

OCTOBER TERM, 1933

STATISTICS

	Original	Appellate	Total
Number of cases on docket.....	19	1, 113	1, 132
Cases disposed of.....	4	1, 025	1, 029
Remaining on docket.....	15	88	103

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By written opinions.....	180
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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Michael Halperin, of New York City; William Stanley, of Laurel, Md.; George C. Sweeney, of Gardner, Mass.; Angus D. MacLean, of Washington, N.C.; Jas. W. Morris, of Tampa, Fla.; Irving Lemov, of New York City; Elmo H. Conley, of Los Angeles, Calif.; Jordan R. Bentley, of Washington, D.C.; Alvin Gerlack, of San Francisco, Calif.; Richard J. Mackey, of New York City; Stanislaus A. Riley, of San Francisco, Calif.; Herbert H. Dyke, of New York City; John F. Reinhardt, of Kansas City, Mo.; Russell G. Lucas, of Salt Lake City, Utah; Thomas F. Mount, of Philadelphia, Pa.; Ethelbert Warfield, of New York City; John A. Jorgenson, of Los Angeles, Calif.; Stanley J. Wallace, of Erie, Pa.; Henry J. Smith, of New York City; James Morgan Sheen, of New York City; Tyler Berry, of Franklin, Tenn.; Carroll Walker, of Frankfort, Kans.; Florence E. Moore, of St. Johnsbury, Vt.; Maurice J. Zucker, of Newark, N.J.; Louis D. Goldberg, of Newark, N.J.; Ollie Collins, of Rogers, Ark.; and Moreau P. Estes, of Nashville, Tenn., were admitted to practice.

No. 363. The Arrow-Hart & Hegeman Electric Company, petitioner, *v.* Federal Trade Commission. Consideration of the petition for writ of certiorari deferred for thirty days on motion of Mr. Solicitor General Biggs for the respondent.

No. —, original. *Ex Parte*: Herman K. Heussler and Joseph F. Ott, petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Challen B. Ellis on behalf of counsel for petitioners.

No. —, original. *Ex Parte*: W. Bissell Thomas et al., petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. W. Bissell Thomas for the petitioners.

No. —, original. *Ex Parte*: Edmond C. Fletcher, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Edmond C. Fletcher, *pro se*.

No. 222. State of Montana, Board of Railroad Commissioners, et al., etc., appellants, *v.* The United States of America et al. Motion to advance submitted by Mr. John E. Benton for the appellants.

No. —, original. *Ex Parte*: State of Colorado, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Paul P. Prosser for the petitioner.

No. —. *In Re* Disbarment of Herman Woodward Winburn. Report of the Committee of the Bar presented by Mr. George A. King.

No. 66. The Life & Casualty Insurance Company, petitioner, *v.* The City of Florala, Alabama, et al. Leave granted to file additional brief for the petitioner on motion of Mr. Moreau P. Estes for the petitioner.

No. 2, original. The State of Vermont, complainant, *v.* The State of New Hampshire. Proposed forms of decree presented.

No. 5, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 7, original. State of Michigan et al., complainants, *v.* The State of Illinois et al.; and

No. 8, original. State of New York et al., complainants, *v.* The State of Illinois et al. Semiannual Report of the defendant Sanitary District presented.

No. 5, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 7, original. The State of Michigan et al., complainants, *v.* The State of Illinois et al.; and

No. 8, original. The State of New York et al., complainants, *v.* The State of Illinois et al. Report of the defendant, The State of Illinois, presented.

No. 6, original. The State of Louisiana, complainant, *v.* The State of Mississippi. Report of Commissioner as to work done, time employed, and expenses incurred, presented.

No. 10, original. Commonwealth of Kentucky, complainant, *v.* The State of Indiana. Report No. 7 of the defendant, State of Indiana, presented.

No. 70. R. C. Cobb, H. C. Curtis, et al., appellants, *v.* Department of Public Utilities of the State of Washington et al. Reported for failure to comply with the rules.

No. 157. Emanuel Baer, petitioner, *v.* Bena Hexter Askenase et al. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed on motion of counsel for petitioner.

The Chief Justice said:

“The Court will now adjourn to meet upon Monday, next, October 9, when arguments in cases especially set and cases on the regular docket will be commenced. The Court will thus be enabled to devote time during the next week to the disposition of petitions for certiorari which have been distributed.”

Adjourned until Monday, October 9, next, at 12 o'clock.

The day call for Monday, October 9, will be as follows: Nos. **11, 2, 39, 50, 1, 3, 4, 5, 7, and 9.**

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

L. Stanley Ford, of Cleveland, Ohio; J. M. Muth, of Dennison, Ohio; Louis C. Greenwood, of Canton, Ohio; Lloyd M. Kagey, of Wichita, Kans.; Claude E. Wakefield, of Seattle, Wash.; Wm. A. Van Sieten, of Balboa, Canal Zone; Charles P. Pfarrer, of Dayton, Ohio; Francis T. White, of Brooklyn, N.Y.; George Henry Toole, of Boston, Mass.; B. G. Watson, of Columbus, Ohio; Cable M. Gibson, of Columbus, Ohio; H. Brian Holland, of Philadelphia, Pa.; George H. Craven, of New York City; Claude M. Houchins, of Louisiana, Mo.; Roy M. Sayre, of Los Angeles, Calif.; Ralph D. Paonessa, of Los Angeles, Calif.; Charles Leland Bagley, of Los Angeles, Calif.; Chauncey A. Weaver, of Des Moines, Iowa; O. R. Folsom-Jones, of Washington, D.C.; and Curtis L. Walker, of Tallahassee, Fla., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 138. Jack Lewis, Inc., appellant, *v.* Mayor and City Council of Baltimore et al., etc. Appeal from the Court of Appeals of the State of Maryland. *Per curiam*: The motion to dismiss the appeal herein is granted and the appeal is dismissed for the want of a substantial Federal question. *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 388; *Cusack Co. v. City of Chicago*, 242 U.S. 526; *Hadacheck v. Los Angeles*, 239 U.S. 394; *Reinman v. Little Rock*, 237 U.S. 171, 176, 177.

No. 184. First Union Trust and Savings Bank, Trustee, petitioner, *v.* Consumers Company, Goodrich Transit Company, et al., etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: The petition for writ of certiorari herein is granted. On consideration of the suggestion of the respondent of a diminution of the record and of the motion for writ of certiorari to correct the same, it is ordered that such writ be, and it is hereby, granted. It having been shown to the Court that this cause is moot (*Mills v. Green*, 159 U.S. 651, 653-658; *Jones v. Montague*, 194 U.S. 147; *Alejandrino v. Quezon*, 271 U.S.

528, 535, 536; Railroad Commission *v.* MacMillan, 287 U.S. 576), the decree of the Circuit Court of Appeals is reversed, and the cause is remanded to the District Court with directions to vacate the orders appealed from and to dismiss the proceedings as moot. Brownlow *v.* Schwartz, 261 U.S. 216; U.S. *ex rel.* Norwegian Nitrogen Products Co. *v.* Tariff Commission, 274 U.S. 106, 112; Coyne *v.* Prouty, 289 U.S. 704.

No. 189. Dewey R. Hunt, appellant, *v.* The State of Texas. Appeal from the Court of Criminal Appeals, State of Texas. *Per curiam*: The motion of the appellant for leave to file statement as to jurisdiction is granted. The appeal herein is dismissed for want of jurisdiction. Section 237 (a) Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by section 237 (c) Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 339. Emma Miller, Roland Miller, Victor A. Miller, et al., appellants, *v.* The Board of County Commissioners of the City and County of Denver et al. Appeal from the Supreme Court of the State of Colorado. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Section 237 (a) Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937); Jett Bros. Co. *v.* Carrollton, 252 U.S. 1, 5, 6. Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by section 237 (c) Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 366. Carroll E. Diven, Executor of the Estate of John H. Sieling, deceased, and Rose A. Sieling, appellants, *v.* Anna A. Sieling. Appeal from the Court of Appeals of the State of Maryland. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied. The motion to dismiss is granted, and the appeal is dismissed for the want of jurisdiction. Section 237 (a) Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by section 237 (c) Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 404. Carrie B. Aker, appellant, *v.* Leslie J. Aker and Dora M. Aker. Appeal from the Supreme Court of the State of Idaho. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied. The motion to dismiss is granted, and the appeal is dismissed for the want of jurisdiction. Section 237 (a) Judicial Code, as amended by the act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari as required by section 237 (c) Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 426. Spur Distributing Company, appellant, *v.* R. C. Lindsey, County Court Clerk. Appeal from the Supreme Court of the State of Tennessee. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. Nashville, Chattanooga & St. Louis Ry. Co. *v.* Wallace, 288 U.S. 249, 265-268; Gregg Dyeing Co. *v.* Query, 286 U.S. 472, 478, 479, 481, 482; Eastern Air Transport, Inc., *v.* South Carolina Tax Commission, 285 U.S. 147, 152; Edelman *v.* Boeing Air Transport, Inc., 289 U.S. 249, 251, 252.

No. 70. R. C. Cobb, H. C. Curtis, and A. H. Cramer, appellants, *v.* Department of Public Utilities of the State of Washington et al. Appeal from the District Court of the United States for the Western District of Washington. *Per curiam*: The appeal herein is dismissed for failure of the appellants to comply with Rule 12, paragraph 1, and with Rule 13, paragraph 9, of the rules of this Court.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the clerk and will not be announced orally.”

No. —. In re disbarment of Herman Woodward Winburn. The report and recommendation of the committee of the bar of this Court appointed to act in this matter by order of May 29, 1933, is received and filed, and the committee is discharged with the thanks of the Court.

No. —. In re disbarment of Herman Woodward Winburn. It having been suggested to the Court that Herman Woodward Winburn had been guilty of conduct unbecoming a member of the bar of this Court in that he had made application for admission, and was admitted, to this bar as a member in good standing of the bar of the Supreme Court of the State of North Carolina without disclosing that he had been a member of the bar of the Supreme Court of the State of Louisiana under the name of Herman Winsberg and had, under that name and by virtue of his membership of that bar, a pending application for admission to the bar of this Court, and without disclosing that he had caused the cancellation of his license to practice as a member of the bar of the Supreme Court of the State of Louisiana in order to avoid disbarment proceedings based upon the charge of an offense involving moral turpitude;

And this Court, by order of April 17, 1933, having suspended the said Herman Woodward Winburn from the practice of the law before this Court and having directed the issue of a rule requiring the said Winburn to show cause why he should not be disbarred from the

practice of the law in this Court upon the ground that he had been guilty of conduct unbecoming a member of the bar of this Court, as aforesaid;

And the said Winburn, in his return to the said rule, having requested the appointment of a committee of members of the bar of this Court to investigate his record; and this Court having, by order of May 29, 1933, referred the rule to show cause and the return, together with all papers relating to the matter, to Mr. George A. King, of Washington, District of Columbia, to Mr. Charles Frederick Wilson, of Washington, District of Columbia, and to Mr. Frederick W. McReynolds, of Washington, District of Columbia, as a committee of the bar of this Court, to make such inquiry into the matter as should be necessary or appropriate and thereupon to make a report and recommendation respecting the final action to be taken herein by this Court conformably to Rule 2, paragraph 5, of the rules of this Court;

And the report and recommendation of the said committee having been received and filed, and it appearing therefrom that the committee has found that the said Herman Woodward Winburn is an unfit person to practice at the bar of this Court and that his admission to the bar of this Court was gained by a violation of the rules of this Court, and the committee having recommended that the rule to show cause heretofore issued herein be made absolute and the respondent disbarred from the further practice of the law before the bar of this Court;

And the Court being of the opinion that the said Herman Woodward Winburn has been guilty of conduct unbecoming a member of the bar of this Court, and that he is an unfit person to practice at the bar of this Court,

Now, therefore, it is ordered that the said Herman Woodward Winburn be, and he is hereby, disbarred from the further practice of the law in this Court, and that his name be, and it is hereby, stricken from the roll of attorneys admitted to practice before the bar of this Court.

No. —. In re disbarment of D. W. Buckner. It having been shown to the Court that D. W. Buckner, a member of the bar of this Court, had been disbarred from the practice of the law in the Supreme Court of the State of Oklahoma; and this Court having issued its rule, April 24, 1933, directing the said Buckner to show cause, pursuant to Rule 2 of the rules of this Court, why he should not be disbarred from the practice of the law in this Court; and the said rule to show cause having been duly issued and served; and the return day of the said rule having passed and no return or answer by or on behalf of the said Buckner having been received or filed;

It is now ordered that the said D. W. Buckner, be, and he is hereby, disbarred from the further practice of the law in this Court, and that his name be, and it is hereby, stricken from the roll of attorneys admitted to practice before the bar of this Court.

No. —. In re disbarment of Edmond C. Fletcher. It having been shown to the Court that Edmond C. Fletcher, a member of the bar of this Court, has been disbarred from the practice of the law in the Supreme Court of the District of Columbia;

It is ordered that the said Edmond C. Fletcher be, and he is hereby, suspended from the further practice of the law in this Court, and that a rule issue requiring the said Fletcher to show cause under Rule 2 why he should not be disbarred from the further practice of the law in this Court.

No. —, original. Ex parte: W. Bissel Thomas et al., petitioners. A rule is ordered to issue returnable on Monday, November 6 next, requiring the respondents to show cause why leave to file the petition for writ of mandamus herein should not be granted.

No. —, original. Ex parte: Adele T. Salisbury, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. —, original. Ex parte: Herman K. Heussler and Joseph F. Ott, petitioners. Motion for leave to file petition for writ of mandamus denied.

No. —, original. Ex parte; State of Colorado, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. —, original. Ex parte: Edmond C. Fletcher, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. —, original. Ex parte: Jehudah Benjamin, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

No. —, original. Ex parte: Joseph Williams, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

No. —, original. Ex parte: Lloyd Rubin, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

No. —, original. Ex parte: Harry Jordon, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

No. —, original. Ex parte: Milford B. Martin, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

No. 5, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 7, original. State of Michigan et al., complainants, *v.* The State of Illinois et al.; and

No. 8, original. State of New York et al., complainants, *v.* The State of Illinois et al. The semiannual report of the defendant Sani-

tary District of Chicago, dated July 1, 1933, is received and ordered filed.

No. 10, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana et al. Report No. 7 of defendant, State of Indiana, is received and ordered filed.

No. 9. Cullen Fuel Company, Inc., etc., petitioner, *v.* W. E. Hedger, Inc., Bailee of Cargo. Motion to pass denied.

No. 41. Board of Supervisors of Harrison County et al., appellants, *v.* Board of Supervisors of Pottawattamie County et al. The motion to dismiss or affirm is denied.

No. 351. Larabee Flour Mills Company *v.* First National Bank of Dublin; and

No. 352. The First National Bank of St. Petersburg, Fla., et al., *v.* City of Miami. It is ordered that these cases be advanced and assigned for argument on Monday, November 6, next after the cases heretofore assigned for that day.

No. 408. Elinor Jorgensen, petitioner, *v.* N. W. Thornberg. The motion to consider the petition for writ of certiorari on typewritten papers is granted.

No. 801. October term, 1932. Western Canal Company, petitioner, *v.* Railroad Commission of the State of California. The motion for the return of the record herein is granted.

No. 103. Norumbega Company, appellant, *v.* John J. Bennett, Jr., as an individual, etc.;

No. 114. The State Corporation Commission for the State of Kansas et al., appellants, *v.* The Wichita Gas Company et al.;

No. 124. Missouri Pacific Railroad Company, appellant, *v.* Hal Norwood, Attorney General of the State of Arkansas et al.;

No. 126. Pigeon River Improvement, Slide & Boom Company, appellant, *v.* Charles W. Cox, Ltd.;

No. 166. Federal Compress & Warehouse Company et al., appellants, *v.* E. R. McLean, Sheriff and Tax Collector, et al.;

No. 344. Puget Sound Power & Light Company, appellant, *v.* The City of Seattle;

No. 359. Seattle Gas Company, appellant, *v.* The City of Seattle;

No. 364. The Pacific Telephone and Telegraph Company, appellant, *v.* The City of Seattle et al.;

No. 347. Standard Oil Company, of California, appellant, *v.* The People of the State of California;

No. 355. Trinityfarm Construction Company, appellant, *v.* Alice Lee Grosjean, Supervisor, etc.;

No. 422. The United States of America et al., appellants, *v.* Illinois Central Railroad Company et al.; and

No. 428. H. Chassaniol et al., appellants, *v.* City of Greenwood. In these cases probable jurisdiction is noted.

No. 293. Ernest C. Atkins, appellant, *v.* Hertz Drivurself Stations, Inc.;

No. 294. Kent-Coffee Manufacturing Company, appellant, *v.* A. J. Maxwell, Commissioner of Revenue, etc.; and

No. 298. S. M. Nickey, W. E. Nickey, et al., appellants, *v.* The State of Mississippi. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 203. P. F. Peterson Baking Company et al., appellants, *v.* Charles W. Bryan, as Governor, etc.;

No. 239. Hartford Accident & Indemnity Company et al., appellants, *v.* N. O. Nelson Manufacturing Company, Assignee; and

No. 342. State of Florida, Eugene S. Matthews, et al., appellants, *v.* The United States of America et al. In these cases probable jurisdiction is noted. Further consideration of the motions to dismiss or affirm is postponed to the hearing of the cases on the merits.

No. 222. State of Montana, Board of Railroad Commissioners of the State of Montana, et al., etc., appellants, *v.* The United States of America et al.; and

No. 370. Home Building and Loan Association, appellant, *v.* John H. Blaisdell et al. In these cases probable jurisdiction is noted. The motions to advance are granted and the cases are assigned for argument on Monday, November 6, next after the cases heretofore assigned for that day.

No. 440. Benjamin F. Lindheimer et al., appellants, *v.* Illinois Bell Telephone Company. In this case probable jurisdiction is noted. The motion to advance is granted and the case is assigned for argument on Monday, January 15, 1934.

No. 274. Clark's Ferry Bridge Company, appellant, *v.* The Public Service Commission of the Commonwealth of Pennsylvania. In this case probable jurisdiction is noted. The motion to dismiss or affirm is denied.

No. 94. M. D. Hicklin, Individually, etc., et al., appellants, *v.* J. C. Coney et al. Further consideration of the question of the jurisdiction of this Court in this case and of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

No. 117. Hunter A. Gibbes, representing himself and other depositors, etc., appellant, *v.* Simpson J. Zimmerman, individually, etc.,

et al. The motion for leave to file statement as to jurisdiction is granted. Further consideration of the question of the jurisdiction of this Court in this case and of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

No. 162. The United States of America, appellant, *v.* Gregorio Chavez et al. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits. The case is advanced and assigned for argument on Monday, November 6, next after the cases heretofore assigned for that day. The motion of the appellees for leave to proceed *in forma pauperis* is granted.

No. 168. J. M. Jannett and J. A. Skipper, appellants, *v.* Dan Hardie, as Sheriff of Dade County, Florida, etc.; and

No. 399. National Linen Service Corporation, etc., appellant, *v.* City of Lynchburg et al. The motions for leave to file statements as to jurisdiction are granted. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 104. William R. Mestice, petitioner, *v.* Ohrbach's Affiliated Stores, Inc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 154. Georgia M. Spruill, petitioner, *v.* Leo A. Rover; and

No. 155. Georgia M. Spruill, petitioner, *v.* John P. McMahon and May H. Dickinson. On petition for writs of certiorari to the Court of Appeals of the District of Columbia. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be granted. The petition for writs of certiorari is therefore also denied.

No. 198. George Jackson, petitioner, *v.* Atlanta Goodwill Industries, Inc. On petition for writ of certiorari to the Court of Appeals of the State of Georgia. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 288. Joseph James Jackson, Irving Murray, and Ralph Edward Holmes, petitioners, *v.* The United States of America. On petition for writ of certiorari to the Court of Appeals of the District of Columbia. The motion for leave to proceed further herein

in forma pauperis is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 304. David Threatt, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 437. Joseph Miller, petitioner, *v.* A. D. Aderholdt, Warden of the United States Penitentiary, Atlanta, Georgia. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 479. Floyd Dunbar, Verna Dunbar, Leo Carpenter, and Arlo Norton, petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 88. The United States of America, petitioner, *v.* Harry Murdock. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted and the case is advanced and assigned for argument on Monday, November 6, next, after the cases heretofore assigned for that day.

No. 241. Herman Snyder, petitioner, *v.* Commonwealth of Massachusetts. Petition for writ of certiorari to the Superior Court in and for the County of Middlesex, Commonwealth of Massachusetts, granted and the case is advanced and assigned for argument on Monday, November 6, next, after the cases heretofore assigned for that day. The motion for leave to proceed *in forma pauperis* is granted.

No. 171. The United States, petitioner, *v.* Jefferson Electric Manufacturing Company. Petition for writ of certiorari to the Court of Claims granted. Further consideration of the motion to remand is postponed to the hearing of the case on the merits.

No. 187. Arthur M. Brown, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States

Circuit Court of Appeals for the Ninth Circuit granted limited to the question of the deduction on account of reserve.

No. 240. Federal Trade Commission, petitioner, *v.* Algoma Lumber Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted. The motion for leave to file the brief of Edward S. Rogers, as *amicus curiae*, is granted.

No. 51. William Miller, Administrator, etc., petitioner, *v.* Union Pacific Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 54. Acel C. Alexander, Collector, etc., petitioner, *v.* Cosden Pipe Line Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 56. Alaska Steamship Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 71. Sarah Elizabeth Stringfellow, a widow, petitioner, *v.* Atlantic Coast Line Railroad Company; and

No. 95. Atlantic Coast Line Railroad Company, petitioner, *v.* Sarah Elizabeth Stringfellow, a widow. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 79. J. T. Trotter, Guardian, etc., petitioner, *v.* State of Tennessee, in its own behalf, etc. Petition for writ of certiorari to the Supreme Court of the State of Tennessee granted.

No. 80. Louis H. May, Indemnity Insurance Company of North America, et al., petitioners, *v.* Hamburg-Amerikanische Packetfahrt Aktien-Gesellschaft. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 101. Laura Ormsby and B. Rush Field, Executors, etc., petitioners, *v.* Louise Chase, by Jesse Blythe, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 112. Federal Land Bank of Columbia, S.C., petitioner, *v.* Mrs. Will Gaines. Petition for writ of certiorari to the Supreme Court of the State of North Carolina granted.

No. 128. The Texas & Pacific Railway Company, petitioner, *v.* S. O. Pottorff, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 129. John Freuler, Administrator, etc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 130. John Freuler, Administrator, etc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue; and

No. 131. John Freuler, Administrator, etc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 139. Marguerite T. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 140. Charlotte A. W. Lepic, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 141. Marie M. E. G. T. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 142. Charlotte Andree Whitcomb Lepic, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 143. Charlotte Andree Whitcomb Lepic, petitioner, *v.* David Burnet, Commissioner of Internal Revenue; and

No. 144. Marie M. E. G. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writs of certiorari to the Court of Appeals of the District of Columbia granted.

No. 145. Louise A. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 146. Lydia L. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 147. Louis A. F. E. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 148. Lydia L. I. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 149. Lydia Louise Ida Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue; and

No. 150. Louise A. F. E. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writs of certiorari to the Court of Appeals of the District of Columbia granted.

No. 133. R. H. Stearns Company, Boston, Massachusetts, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 152. Newton W. Lumbra, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 153. Albert H. Ladner, Jr., Collector, etc., petitioner, *v.* Philadelphia Barge Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 158. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Charles J. Canfield. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 212. William R. Thorsen, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 163. Northwestern Pacific Railroad Company, petitioner, *v.* Josephine Bobo, as Administratrix, etc. Petition for writ of certiorari to the District Court of Appeals, First Appellate District, Division 1, State of California granted.

No. 329. C. F. Routzahn, Collector of Internal Revenue, etc., petitioner, *v.* Willard Storage Battery Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted and the case assigned for argument immediately following No. 171.

No. 196. American Chain Company, Inc., petitioner, *v.* Robert O. Easton, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the case assigned for argument immediately following No. 329.

No. 173. James B. Moore, petitioner, *v.* The Chesapeake & Ohio Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 178. Augustus P. Norton, Deputy Commissioner, etc., petitioner, *v.* Vesta Coal Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 194. Federal Trade Commission, petitioner, *v.* R. F. Keppel, & Brother, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 200. Missouri Pacific Railroad Company, petitioner, *v.* Hartley Brothers, a copartnership, etc. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma granted.

No. 208. Nannie May Williams, petitioner, *v.* The Union Central Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 224. The United States, petitioner, *v.* Provident Trust Company, as Administrator, etc. Petition for writ of certiorari to the Court of Claims granted.

No. 257. E. H. Ferree Company et al., petitioners, *v.* United Shoe Machinery Corporation. Petition for writ of certiorari to the

United States Circuit Court of Appeals for the Second Circuit granted.

No. 290. Chase National Bank of the City of New York, Successor, Trustee, etc., petitioner, *v.* The City of Norwalk, Ohio. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 295. Florence Samuels Landress, petitioner, *v.* Phoenix Mutual Life Insurance Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 308. Maxine Murray, on her own behalf, etc., petitioner, *v.* Joe Gerrick & Company et al. Petition for writ of certiorari to the Supreme Court of the State of Washington granted.

No. 311. Ida A. Van Dyke, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 312. Cleve W. Van Dyke, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 325. Inger Juliane Hansen, petitioner, *v.* Edward L. Haff, Acting Commissioner of Immigration, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 343. Hamburg-American Line, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 349. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* American Chicle Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 225. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Otto H. Falk et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted and the case is assigned for argument immediately following Nos. 145 to 150, inclusive.

No. 227. Marshall S. Reynolds, Individually, etc., petitioner, *v.* Richard F. Cooper;

No. 228. Marshall S. Reynolds, Individually, etc., petitioner, *v.* Barbara V. Cooper; and

No. 229. Marshall S. Reynolds, Individually, etc., petitioner, *v.* Richard F. Cooper et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted, and cases assigned for argument immediately following No. 225.

No. 219. Daniel Busch, Joseph Melodia, and Thomas Musumeci, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Husty v. United States*, 282 U.S. 694, 702; *Davis v. United States*, 283 U.S. 859; *Wilson v. United States*, 287 U.S. 623.

No. 269. Cleveland, Cincinnati, Chicago, & St. Louis Railway Company, petitioner, *v.* Ethel R. Henry, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied for the want of a final judgment. *Bruce v. Tobin*, 245 U.S. 18, *Johnson v. Keith*, 117 U.S. 199; *Houston v. Moore*, 3 Wheat. 433.

No. 40. Globe Excelsior Oak Tanning Company, a body corporate of the State of Kentucky, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 42. Irving Trust Company, Trustee, petitioner, *v.* B. & O. Highway Transportation Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 43. Winchester Manufacturing Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 45. Canal-Commercial Trust & Savings Bank, petitioner, *v.* Commissioner of Internal Revenue; and

No. 46. Canal-Commercial National Bank, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 47. The Automobile Abstract and Title Company, petitioner, *v.* Frank D. Fitzgerald, Individually. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 48. American-West African Line, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 49. Morris D. Solow, petitioner, *v.* General Motors Truck Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 52. A. N. Hopkins, petitioner, *v.* The Texas Company. Petition for writ of certiorari to the United States Circuit Court of Appeals of the Tenth Circuit denied.

No. 53. Estela Romualdez, petitioner, *v.* The People of the Philippine Islands. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 55. Bodine & Clark Livestock Commission Company, petitioner, *v.* Great Northern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 57. John T. Clarke, petitioner, *v.* Chicago, Burlington & Quincy Railroad Company et al.;

No. 58. John T. Clarke, petitioner, *v.* Chicago, Burlington & Quincy Railroad Company; and

No. 59. Ella R. Clarke et al., petitioners, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 60. G. W. Ingram, Trustee in Bankruptcy, etc., petitioner, *v.* State of Oregon. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 61. Zurich General Accident & Liability Insurance Co., Limited, petitioner, *v.* Charles J. O'Keefe. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 66. The Life & Casualty Insurance Company, petitioner, *v.* The City of Florala, Alabama, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 67. Hannah Blum, petitioner, *v.* H. R. Davis, as Trustee in Bankruptcy etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 68. Bryant Paper Company, petitioner, *v.* Marie Sprague Holden, Executrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 73. Wabash Railway Company, petitioner, *v.* Thomas P. Conroy. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, denied.

No. 74. First National Bank of Greenville, Mississippi et al., petitioners, *v.* Ben H. Gildart, Tax Collector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 81. Chicago, Milwaukee, St. Paul and Pacific Railroad Company, petitioner, *v.* A. W. Tate. Petition for writ of certiorari to the Supreme Court of the State of Washington, denied.

No. 82. William E. Greenawalt, petitioner, *v.* The Stearns-Roger Manufacturing Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 83. Verne W. Fugate, petitioner, *v.* Toledo, Peoria and Western Railroad Company. Petition for writ of certiorari to the Appellate Court, First District, State of Illinois, denied.

No. 85. Standard Oil Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 86. Southern Railway Company and J. P. Mims, petitioner, *v.* T. T. Barton, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 87. Clark's Ferry Bridge Company, petitioner, *v.* The Public Service Commission of the Commonwealth of Pennsylvania. Petition for writ of certiorari to the Superior Court of the State of Pennsylvania denied.

No. 90. The United States of America, *ex rel.* Arcata and Mad River Railroad Company, petitioner, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 91. The Home Insurance Company of New York, petitioner, *v.* Sullivan Machinery Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 92. Columbia Casualty Company, petitioner, *v.* Jacob J. Tipma. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 93. Sears, Roebuck & Co., petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 96. Flemmon E. Gloyd, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 97. The New York Central Railroad Company, petitioner, *v.* Hugh J. Brown. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 98. Ed S. Michelson, Inc., petitioner, *v.* Nebraska Tire & Rubber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 99. Missouri Pacific Railroad Company, petitioner, *v.* Chicago Great Western Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 100. Birmingham Belt Railroad Company, petitioner, *v.* Eilleen Bennett, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Alabama denied.

No. 102. Penick & Ford, Ltd., Inc., petitioner, *v.* Corn Products Refining Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 105. Munson Steamship Line, petitioner, *v.* Bergen Lloyd; and

No. 202. Bergen Lloyd, petitioner, *v.* Munson Steamship Line. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 107. Taylor Eli, James Eli, et al., petitioners, *v.* The Carter Oil Company et al. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 108. United Business Corporation of America, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 109. Norman T. Whitaker, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 110. Spinks Realty Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 111. The Chicago, Rock Island and Pacific Railway Company, petitioner, *v.* Leo Benson. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 113. Charles A. Kip et al., etc., petitioners, *v.* The New York Central Railroad Company et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 115. B. J. Kline, petitioner, *v.* T. J. Blackwell and W. L. Gray, Jr., doing business as Blackwell & Gray et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 116. Quanah, Acme & Pacific Railway Company, petitioner, *v.* F. M. Gray. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 118. Coalinga-Mohawk Oil Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 119. Halsey McGovern, petitioner, *v.* Moultrie Hitt et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 120. Elmer W. Kelley and The General Street Signal Corporation, petitioners, *v.* The City of New York and John A. Harrison.

Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 121. Employer's Liability Assurance Corporation, Ltd., petitioner, *v.* William H. Kerper et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 122. Earlston Coal Company, petitioner, *v.* Huntington National Bank of Columbus, Ohio. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 125. Tillman & Bendel, Inc., petitioner, *v.* California Packing Corporation; and

No. 201. California Packing Corporation, petitioner, *v.* Tillman & Bendel, Inc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 127. Lorena May Levi, by Louis Daffern, etc., petitioner, *v.* Mazie Lea Murrell et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 132. National Surety Company, petitioner, *v.* Ernest L. Garretson et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 233. Frederick T. Fleitmann, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 234. Marie J. J. Fleitmann et al., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 235. Marie J. J. Fleitmann et al., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petitions for writs of certiorari to the Court of Appeals of the District of Columbia denied.

No. 134. John Taylor and Olive Taylor, petitioners, *v.* The United States Casualty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 136. Euel Lee, *alias* Orphan Jones, petitioner, *v.* The State of Maryland. Petition for writ of certiorari to the Court of Appeals of the State of Maryland denied.

No. 137. Atlantic Coast Line Railroad Company, petitioner, *v.* Janie Primus, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.

No. 151. Western Knitting Mills, Wallace G. Kay, et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 156. Southern Shipyard Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 159. The United States, petitioner, *v.* Frank R. Pitt. Petition for writ of certiorari to the Court of Claims denied.

No. 160. F. T. Dooley Lumber Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 164. Margaret W. Long and George M. Cushing, Trustee for Margaret W. Long, petitioner, *v.* John Stites et al.; and

No. 165. John S. Deering and Harvey M. Graybill, for themselves and as Trustee, etc., et al., petitioners, *v.* John Stites et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 167. W. A. Whitaker, Dona W. Hammel, et al., petitioners, *v.* Alameda County Home Investment Co. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 169. Florence B. Fawsett, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 170. United Order of Good Samaritans, petitioner, *v.* Carrie Bryant. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 174. C. F. Routzahn, Collector of Internal Revenue, petitioner, *v.* Fayette Brown, Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 175. Kosmos Portland Cement Company, petitioner, *v.* Ben Johnson, Administrator, etc., et al.; and

No. 176. Kosmos Portland Cement Company, petitioner, *v.* Rose Sauer, Executrix, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 177. Louis Freedman, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 179. Edward Muscarelle et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 180. Sam Conoscente et al., petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 181. Grace Torrance Clark, Administratrix, etc., et al., petitioners, *v.* Helen Moffett et al. Petition for writ of certiorari to the Supreme Court of the State of Kansas denied.

No. 182. Cornelius W. Paxson, petitioner, *v.* Willie A. Davis; and

No. 183. Cornelius W. Paxson, petitioner, *v.* James B. Davis. Petition for writs of certiorari to the Court of Appeals of the District of Columbia denied.

No. 185. Walter R. Mayne and Frank E. Williams, petitioners, *v.* St. Louis Union Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 186. Josiah E. Brill, as Receiver of Foshay Investors Corporation, petitioner, *v.* W. B. Foshay Co., a Delaware Corporation, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 188. Pacific Atlantic Steamship Company, petitioner, *v.* Mooremack Gulf Lines, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 190. The Pennsylvania Railroad Company, petitioner, *v.* Frank A. Deptula. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 191. Walter E. Corwin, Collector of Internal Revenue, petitioner, *v.* George Gliss Lane.; and

No. 192. Walter E. Corwin, Collector of Internal Revenue, petitioner, *v.* James W. Lane, Jr. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 193. Mary G. Mulqueen, as Executrix, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 195. Milton C. McGreevy and Milton W. McGreevy, copartners, etc., petitioners, *v.* National Surety Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 197. Ed Kasch and Theodora Kasch, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 199. Corning Glass Works, petitioner, *v.* Thomas E. Robertson, Commissioner of Patents. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

- No. 204. Bernard C. McGuire and Frank E. Hering, petitioners, *v.* The United States of America; and
- No. 265. Conrad H. Mann, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.
- No. 205. Southern Railway-Carolina Division, petitioner, *v.* Will Lytle, as Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of South Carolina denied.
- No. 206. Midland Finance Corporation, petitioner, *v.* Clarence M. Busch. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.
- No. 207. Meredith Publishing Company, Successor, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.
- No. 209. Harry M. Martin, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.
- No. 210. Claiborne-Reno Company, petitioner, *v.* E. I. DuPont De Nemours & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.
- No. 213. Max L. Friedberg and James B. Wilson, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.
- No. 214. The Baltimore & Ohio Railroad Company et al., petitioners, *v.* Domestic Hardwoods, Inc., et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.
- No. 215. Virginia D. Simmons, Anna L. Rozzelle, et al., petitioners, *v.* Fidelity National Bank and Trust Company of Kansas City et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.
- No. 216. South Carolina Asparagus Growers Association, petitioner, *v.* Southern Railway Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.
- No. 217. Radio-Keith-Orpheum Corporation et al., petitioners, *v.* Howard S. Cullman, as Receiver, etc. et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 218. The New York Central Railroad Company, petitioner, *v.* Charles Modica. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 220. Weatherford, Crump & Company, petitioner, *v.* James W. Bass, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 221. Chemische Fabrik Von Heyden, Aktien-Gesellschaft and Howard Sutherland, Alien Property Custodian, petitioners, *v.* Galen L. Tait, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 223. The First National Bank & Trust Company of Oklahoma City, Oklahoma, petitioner, *v.* Stock Yards Loan Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 226. The United States of America, Owner of the SS. "Arizpa", petitioner. *v.* The Consolidation Coal Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 230. Gillette Safety Razor Company, petitioner, *v.* Standard Safety Razor Company. Petition for writ of certiorari to the United States to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 272. Gillette Safety Razor Company, petitioner, *v.* Hawley Hardware Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 273. Gillette Safety Razor Company, petitioner, *v.* Standard Safety Razor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 231. Bank of California, N.A., petitioner, *v.* International Mercantile Marine Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 232. Bank of California, N.A., Petitioner, *v.* International Mercantile Marine Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 264. M. & T. Trust Company, petitioner, *v.* Export Steamship Corporation. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 236. Southern Cities Distributing Company, petitioner, *v.* City of Texarkana, Arkansas, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 237. Christine Lidstrom, as Administrator, etc., petitioner, *v.* Ernest A. Sponberg, Administrator. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 238. Louis M. Bourne, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 242. A. F. Luse, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 243. Brooks D. Gist et al., petitioners, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 244. Philadelphia Storage Battery Company, petitioner, *v.* Kelly-How-Thomson Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 245. H. C. Walker, Jr., petitioner, *v.* Commissioner of Internal Revenue;

No. 246. Mrs. H. C. Walker, Jr., petitioner, *v.* Commissioner of Internal Revenue;

No. 247. Elias Goldstein, petitioner, *v.* Commissioner of Internal Revenue; and

No. 248. Mrs. Elias Goldstein, petitioner, *v.* Commissioner of Internal Revenue. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 249. Roy M. Johnson et al., petitioners, *v.* United States of America; and

No. 250. Roy M. Johnson et al., petitioners, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 251. Fidelity Savings and Loan Association, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 252. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Hutchinson Coal Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 253. Comar Oil Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 254. The First National Bank of Kansas City, Missouri, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 255. David L. Galbraith et al., petitioners, *v.* Bay Trust Company, Trustee, etc.; and

No. 256. David L. Galbraith et al., petitioner, *v.* Bay Trust Company, Trustee, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 258. Tropic-Aire, Inc., petitioner, *v.* E. A. Wildermuth. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 259. Charles L. Surprise, Trustee, etc., petitioner, *v.* First Trust & Savings Bank of Hammond, Indiana, et al. Petition for writ of certiorari to the Appellate Court of the State of Indiana denied.

No. 261. Foshay Trust & Savings Bank, petitioner, *v.* Public Utilities Consolidated Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 262. Seas Shipping Company, Inc., petitioner, *v.* Approximately 3,251,000 feet board measure of lumber laden or lately laden on board of the S.S. "Robin Gray" et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 263. Oil Transfer Corporation et al., petitioner, *v.* C. F. Harms Co., Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 266. Aaron Mosheik, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 267. Barlett Frazier Company et al., petitioners, *v.* Henry A. Wallace, Secretary of Agriculture, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 270. Louisville & Nashville Railroad Company et al., petitioners, *v.* W. W. Bumpass. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 271. Ignacio Nabong, petitioner, *v.* The People of the Philippine Islands. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 275. Texas Electric Service Company, petitioner, *v.* Fairbanks, Morse & Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 276. Bedford Mills, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 277. Harjim, Inc., et al., petitioners, *v.* James M. Owens, Jr., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 278. Mobile and Ohio Railroad Company et al., petitioners, *v.* Myrtle Williams, Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Alabama denied.

No. 279. Harriet S. Shoemaker, Trustee, individually and as Administratrix, etc., petitioner, *v.* Enos S. Newman et al., trustees, etc. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 281. Missouri Pacific Railroad Corporation in Nebraska, petitioner, *v.* Nebraska State Railway Commission et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 282. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Marian B. Pringle;

No. 283. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Phyllis B. Brunson. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 284. Moran Towing & Transportation Company, Inc., petitioner, *v.* Robins Dry Dock & Repair Company et al. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 285. Moran Towing & Transportation Company, Inc., petitioner, *v.* Robins Dry Dock & Repair Company et al. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 286. Johnny Klinge, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 287. Charles G. Wiggins, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 289. Gans Steamship Line, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 291. London & Lancashire Indemnity Company, petitioner, *v.* Elizabeth Stefus et al. Petition for writ of certiorari to the Supreme Court of the State of New Jersey denied.

No. 292. Glogora Coal Company, petitioner, *v.* Chesapeake & Ohio Railway Company. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 296. Margaret A. Darcey, petitioner, *v.* Thomas W. O'Brien, Trustee. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 297. Sheer Pharmacal Corporation, etc., petitioner, *v.* Joseph Donner. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 299. Ernest Whitworth Marland, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 300. William G. Werth, etc., petitioner, *v.* Fire Companies' Adjustment Bureau, Inc. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia denied.

No. 301. Michael Tessitore, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 302. Roderick J. Seals, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 303. Bank of Italy National Trust & Savings Association, petitioner, *v.* G. J. Bentley et al. Petition for writ of certiorari to the Supreme Court of the State of California denied.

No. 305. Antoine M. Trudeau, petitioner, *v.* Charles S. Barnes. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 306. Benjamin H. Kessler, petitioner, *v.* Buick Motor Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 307. Will N. Terry et al., petitioners, *v.* The Midland Refining Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 309. A. O. Newberry et al., petitioners, *v.* Davison Chemical Company; and

No. 310. A. O. Newberry et al., petitioners, *v.* Davison Chemical Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 314. Intertype Corporation et al., petitioners, *v.* Frank F. Pulver. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 315. Joseph H. Adams, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 316. Isaac Chapman, petitioner, *v.* Washington Railway & Electric Company. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 317. Ruwin Kowal, petitioner, *v.* Frances Perkins, Secretary of Labor;

No. 318. Haroutian Kabadian, etc., petitioner, *v.* Frances Perkins, Secretary of Labor;

No. 319. Mohamed Abraham, etc., petitioner, *v.* Frances Perkins, Secretary of Labor;

No. 320. Celestino Guiseppe Polombo, petitioner, *v.* Frances Perkins, Secretary of Labor;

No. 321. Giovanni Spica, petitioner, *v.* Frances Perkins, Secretary of Labor; and

No. 322. Peter Petikas, petitioner, *v.* Frances Perkins, Secretary of Labor. Petitions for writs of certiorari to the Court of Appeals of the District of Columbia denied.

No. 323. The Curtis Publishing Company, petitioner, *v.* Harry Neyland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 324. Pennsylvania Coal & Coke Corporation, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 326. Emmet Queen, petitioner, *v.* Commonwealth Trust Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 327. Baltimore Equitable Society, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 328. Angel Vargas, petitioner, *v.* Petronila Chua et al. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 330. City of Corsicana, petitioner, *v.* John A. Hulen, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 331. Louis Gatto, petitioner, *v.* The United States of America; and

No. 332. Dorothy Gatto, petitioner, *v.* The United States of America. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 333. The Continental Illinois Bank and Trust Company, Executor, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 334. The Northern Trust Company et al., Executors, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 335. William D. Dean, Administrator, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 336. August Kadow et al., petitioners, *v.* Thomas E. Robertson, Commissioner of Patents. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 337. Consolidated Coppermines Corporation, petitioner, *v.* Nevada Consolidated Copper Company. Petition for writ of certiorari to United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 340. The National Park Bank of New York, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 341. W. J. Rutledge, Jr., Receiver, etc., petitioner, *v.* L. L. Bristol, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 345. Paul Rabkin, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 346. George E. Robson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 348. George Curtis Treadwell et al., Executors, etc., petitioners, *v.* Herbert Putnam. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 350. C. Dale Wolf, petitioner, *v.* The Bass Furniture & Carpet Company. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 417. George L. Squier Manufacturing Co., petitioner, *v.* Manuel V. Domenech, Treasurer. Consideration of petition for writ of

certiorari deferred until after November 24 next, on motion of Mr. William Catron Rigby in that behalf.

No. 13, original. The State of New Jersey, complainant, *v.* The State of Delaware. Report of the Special Master submitted by Mr. William L. Rawls, Special Master.

No. —, original. State of Alabama, petitioners, *v.* State of Arizona et al. Returns to the rules to show cause presented.

No. 69. J. H. Merriam, as Executor of the Will and Estate of Alice E. Day, deceased, petitioner, *v.* The United States District Court in and for the District of Arizona. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Dismissed per stipulation of counsel.

No. 268. Plaza Amusement Company and Saenger Theatres, Inc. petitioners, *v.* Levi Rothenberg et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed per stipulation of counsel.

No. 11. Central Kentucky Natural Gas Company, appellant, *v.* Railroad Commission of Kentucky et al. Passed until tomorrow.

No. 2. John Factor, petitioner, *v.* H. C. W. Laubenheimer, United States Marshal et al. Reargued by Mr. Newton D. Baker for the petitioner, and by Mr. William D. Mitchell for respondent, Godfrey Haggard, His Britannic Majesty's Consul General.

No. 39. J. J. Nathanson, petitioner, *v.* The United States of America. Argued by Mr. Frederic M. P. Pearse for the petitioner, and by Mr. Assistant Solicitor General MacLean for the respondent.

No. 50. Charles A. Shepard, petitioner, *v.* The United States of America. Argument commenced by Mr. Harry W. Colmery for the petitioner, and continued by Mr. Solicitor General Biggs for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 10, will be as follows: Nos. 50, 11, 1, 3, 4, 5, 7, 9, 10, and 12.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

John Lichty, of Portland, Oreg.; Harry F. Morton, of Anchorage, Alaska; W. B. Woodson, of Washington, D.C.; H. Eugene Gardner, of Glenside, Pa.; Thomas H. Middleton, of New York City; George B. Guthrie, of Portland, Oreg.; Frank H. Patton, of Santa Fe, N.Mex.; Herbert M. Bingham, of Butte, Mont.; and F. D. Wright, of Cisco, Tex., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 2, original. The State of Vermont, complainant, *v.* The State of New Hampshire. The Court, being advised that the parties hereto desire that the decree to be entered herein shall provide for the appointment of a commissioner to mark upon the ground such parts of the boundary line between the State of Vermont and the State of New Hampshire, settled and determined by this Court, as shall be designated by the parties hereto.

It is now ordered that before entry of the decree herein, and within sixty days from the date hereof, each State shall give written notice to the other State of the points between which such State desires that such boundary line shall be definitively marked by monuments, with proper inscriptions, and within said time shall file proof of said notice with the Clerk of this Court. If the two States so elect they may within such sixty days file with the Clerk of this Court, in lieu of such notices, a stipulation containing an agreed designation of the parts of the boundary to be so marked.

No. 11. Central Kentucky Natural Gas Company, appellant, *v.* Railroad Commission of Kentucky et al. Motion to dismiss denied and case reassigned for argument on Monday, November 6, next, after the cases heretofore assigned for that day.

No. 50. Charles A. Shepard, petitioner, *v.* The United States of America. Argument continued by Mr. Solicitor General Biggs

for the respondent, and concluded by Mr. Charles L. Kagey for the petitioner.

No. 1. Fidelity and Deposit Company of Maryland, petitioner, *v.* George C. Arenz. Argued by Mr. John Lichty for the petitioner, and case submitted by Mr. John C. Veatch for the respondent.

No. 3. Columbia-Deschutes Power Company, appellant, *v.* Charles E. Stricklin, as State Engineer of the State of Oregon. Argued on the motion to dismiss by Mr. Willis S. Moore, for the appellee, in support thereof, and by Mr. Arthur L. Veazie, for the appellant, in opposition thereto. Motion to dismiss granted.

No. 4. Krauss Bros. Lumber Company, petitioner, *v.* Dimon Steamship Corporation, claimant, etc. Argument commenced by Mr. Lane Summers, for the petitioner, continued by Mr. Claude E. Wakefield for the respondent, and by Mr. Lane Summers, for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 11, will be as follows: Nos. 4, 5, 7, 9, 10, 12, 13, 14, 15, and 17.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Edward E. Dicker, of Philadelphia, Pa.; David L. Ullman, of Philadelphia, Pa.; Dexter Hamilton, of Dallas, Tex.; Charles Lorin Clark, of Fresno, Calif.; Henry Herzbrun, of New York City; Bert H. Miller, of Boise, Idaho; Mortimer C. Lyddane, of Washington, D.C.; Herbert W. Hirsh, of Chicago, Ill.; Samuel A. Boorstin, of Tulsa, Okla.; James Messer, Jr., of Tallahassee, Fla.; Harold E. Stassen, of South Saint Paul, Minn.; Simon Fleishman, of Washington, D.C.; Jones T. Prowell, of New Orleans, La.; and Bolivar Pagan, of San Juan, Puerto Rico, were admitted to practice.

No. 241. Herman Snyder, petitioner, *v.* Commonwealth of Massachusetts. This Court having granted the petition for writ of certiorari in the above-entitled cause on October 9, 1933.

It is now ordered that the stay of the judgment and sentence in this cause granted by Mr. Justice Brandeis on July 1, 1933, be, and the same is hereby, continued in full force and effect until the final disposition of the case in this Court or further order which this Court may deem proper.

No. 4. Krauss Bros. Lumber Company, petitioner, *v.* Dimon Steamship Corporation, claimant, etc. Argument concluded by Mr. Lane Summers for the petitioner.

No. 5. Ivan E. Oakes, petitioner, *v.* Ben Lake, as Sheriff, etc. Argued by Mr. George B. Guthrie for the petitioner, and case submitted by Mr. William Healy for the respondent.

No. 7. The State of Minnesota, petitioner, *v.* George Blasius. Argument commenced by Mr. Harry H. Peterson for the petitioner; continued by Mr. Harold E. Stassen for the petitioner; and by Mr. D. L. Grannis for the respondent; and concluded by Mr. Harry H. Peterson for the petitioner.

No. 9. Cullen Fuel Company, Inc., owner, etc., petitioner, *v.* W. E. Hedger, Inc., Bailee of Cargo. Argued by Mr. Horace L. Cheyney for the petitioner, and by Mr. Thomas H. Middleton for respondent. Leave granted to file reply brief for petitioner.

No. 12. Concordia Fire Insurance Company, appellant, *v.* The People of the State of Illinois. Argument commenced by Mr. George Wharton Pepper for the appellant, and continued by Mr. Hiram T. Gilbert for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 12, will be as follows: Nos. 12, 10, 13, 14, 15, 17, 18 (and 19), 21, 20, and 22 (23 and 24).

THURSDAY, OCTOBER 12, 1933

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Lester H. Loble, of Helena, Mont.; Carl R. Perkins, of Nashville, Tenn.; Budd Samuel Weisser, of New York City; Thos. M. Lyles, of Spartansburg, S.C.; B. F. Paty, of West Palm Beach, Fla.; George A. Gordon, of Chicago, Ill.; Francis B. Winthrop, of Tallahassee, Fla.; and Stephen Nettles, of Greenville, S.C., were admitted to practice.

No. 12. Concordia Fire Insurance Company, appellant, *v.* The People of the State of Illinois. Argument continued by Mr. Hiram T. Gilbert for the appellee, and concluded by Mr. George Wharton Pepper for the appellant.

No. 10. Charles P. Bullard et al., petitioners, *v.* City of Cisco, Texas. Argued by Mr. Dexter Hamilton for the petitioners, and by Mr. F. D. Wright for the respondent.

No. 13. The Trainor Company, petitioner, *v.* The Aetna Casualty & Surety Company. Argued by Mr. David L. Ullman for the petitioner, and by Mr. Joseph W. Henderson for the respondent. Leave granted petitioner to file additional brief by tomorrow.

No. 14. W. A. Yarborough, petitioner, *v.* Sadie Yarborough, by her guardian *ad litem*, R. D. Blowers. Argument commenced by Mr. Stephen Nettles for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 13, will be as follows: Nos. 14, 15, 17, 18 (and 19), 20, 21, 22 (23 and 24), 25, 26, and 27.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Harry Spencer Snyder, of Sioux City, Iowa; William H. Burwell, of Miami, Fla.; Sidney J. Watts, of Pittsburgh, Pa.; and Lloyd H. Dopp, of Laredo, Tex., were admitted to practice.

No. 14. W. A. Yarborough, petitioner, *v.* Sadie Yarborough, by her guardian *ad litem*, R. D. Blowers. Argument continued by Mr. Stephen Nettles for the petitioner, and concluded by Mr. Thomas M. Lyles for the respondent.

No. 15. E. P. Jacobs and Augustus Gunter, Executor of the Last Will of Mrs. S. B. Gunter, decedent, petitioners, *v.* The United States of America. Argued by Mr. Charles C. Moore for the petitioner, and by Mr. Solicitor General Biggs for the respondent.

No. 17. The United States of America et al., appellants, *v.* The State of Louisiana et al. Argued by Mr. Daniel W. Knowlton for the appellants, The United States and The Interstate Commerce Commission, and by Mr. Wylie M. Barrow, for the appellees, and case submitted by Mr. J. Blanc Monroe for the appellant, New Orleans & Northeastern Railroad Company, and by Mr. Harry McCall, for the appellants, The Texas & New Orleans Railroad Company et al.

No. 18. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Northern Coal Company;

No. 19. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* C. H. Sprague & Son Company; and

No. 21. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Oswego and Syracuse Railroad Company. Argument commenced by Mr. Erwin N. Griswold for the petitioner, and continued by Mr. Paul F. Myers for the respondents in Nos. 18 and 19.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 16, will be as follows: Nos. 18 (19 and 21), 20, 8, 22 (23 and 24), 25, 26, 27, 30, 31, and 33.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Fanney Neyman, of Washington, D.C.; Edgar Waite Clark, of Pawnee, Okla.; Edmond M. Cook, of Davenport, Iowa; William John Kenney, of San Francisco, Calif.; C. Brewster Rhoads, of Philadelphia, Pa.; Michael Edward Cassidy, of Phoenix, Ariz.; and John A. Groeneveld, of Butte, Mont., were admitted to practice.

The Chief Justice announced the following order of the Court:

No. 3. Columbia-Deschutes Power Company, appellant, *v.* Charles E. Stricklin, as State Engineer of the State of Oregon. *Per curiam:* The appeal herein is dismissed for the want of jurisdiction, upon the ground that the application for allowance of the appeal was not made within the time provided by law. Sec. 8 (a), Act of February 13, 1925 (c. 229, 43 Stat. 936, 940; U.S. Code, Title 28, Sec. 350).

The Chief Justice said:

The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the clerk, and will not be announced orally.

No. 6, original. The State of Louisiana, complainant, *v.* The State of Mississippi. And now, October 16, 1933, the Court having considered the statement dated June 19, 1933, filed by Samuel S. Gannett, Commissioner, showing the work done, time employed, and expenses incurred by him in running, locating, and marking the boundary line between the States of Louisiana and Mississippi, as directed by the decree herein of April 13, 1931 (283 U.S. 793), by which it was, *inter alia*, ordered, adjudged, and decreed that the costs of its execution, including the compensation and expenses of the Commissioner, should be borne in equal parts by the two States; and it appearing thereby that the amount expended by the said Commissioner in the premises is \$2,819.62, and that the same has been repaid to the Commissioner in equal parts by the two States; the said report is hereby approved and adopted.

The compensation of the Commissioner for the work done by him as shown in such report is hereby fixed at \$2,600.00.

It is ordered that the action of the two States in paying the expenses incurred by the Commissioner be approved.

It is further ordered that the two States shall pay in equal shares the amount hereby fixed as compensation of the Commissioner for the work done by him.

No. —, original. The State of Alabama, complainant, *v.* The States of Arizona et al. The returns to the rules to show cause are received and ordered filed. The case is assigned for argument on the rules and returns on Monday, January 8 next. Briefs for the complainant to be filed two weeks before the date fixed for argument, and briefs for the defendants to be filed one week before that date.

No. 13, original. The State of New Jersey, complainant, *v.* The State of Delaware. The report of the Special Master is received and ordered to be filed. Exceptions, if any, to the report of the Special Master are to be filed on or before November 27 next. Briefs, if any, are to be filed on or before December 18 next. Reply briefs, if any, are to be filed on or before January 2 next, and the case is assigned for argument on exceptions to the report of the Special Master, if any, on Monday, January 8 next.

No. 374. Howard C. Dickerson, *alias* Harry C. Wimbley, *alias* John C. Dickerson, etc., petitioner, *v.* The United States of America. On petition for writ of certiorari to the Court of Appeals of the District of Columbia. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 394. John S. Funk, petitioner, *v.* The United States of America. The motion for leave to proceed further herein *in forma pauperis* is granted. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted limited to the question as to what law is applicable to the determination of the competency of the wife of the petitioner as a witness. The case is advanced and assigned for argument on Monday, November 13 next.

No. 338. Conrad Wolfe, petitioner, *v.* The United States of America. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted limited to the question as to what law is applicable to the determination of the question of privilege which was raised at the trial. The case is advanced and assigned for argument immediately following No. 394 on Monday, November 13 next.

No. 400. City of Marion, Illinois, et al., petitioner, *v.* Ben Sneed, as Receiver of the City National Bank of Herrin, Illinois. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted and the case is assigned for argument immediately following No. 128.

No. 361. Interstate Commerce Commission, petitioner, *v.* The Pennsylvania Railroad Company and Pennsylvania Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 414. M. D. Chandler, Receiver of Diamond Motor Parts Company, petitioner, *v.* Jesse E. Manifold. Petition for writ of certiorari to the Supreme Court of the State of Colorado denied upon the ground that the alleged federal question was not properly presented to the Supreme Court of Colorado. *Caperton v. Bowyer*, 14 Wall. 216, 236; *Hulburt v. Chicago*, 202 U.S. 275, 280, 281; *Hiawasee River Power Co. v. Carolina-Tennessee Co.*, 252 U.S. 341, 343.

No. 313. Joseph McReynolds and Ellen McReynolds, petitioners, *v.* Federal-American National Bank and Trust Company of Washington. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 353. Nicholas Pizzitolo, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 354. John Vinkemulder, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 356. H. L. Williford, petitioner, *v.* Kansas City Southern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 357. Becker Steel Company of America, petitioner, *v.* Frederick C. Hicks, as Alien Property Custodian et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 360. Norma A. Martin, petitioner, *v.* Royal Mail Steam Packet Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 362. Detroit Fidelity and Surety Company, petitioner, *v.* The Third National Bank of Miami. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 365. New Orleans and Great Northern Railroad Company et al., petitioners, *v.* Mrs. Vivian Branton, Administratrix of the Estate of M. M. Branton, deceased. Petition for writ of certiorari to the Supreme Court of the State of Mississippi denied.

No. 367. Wabash Railway Company, petitioner, *v.* The City of St. Louis, Missouri. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 368. M. E. Garrison, as Trustee of Henry J. Tiemeier, Bankrupt, petitioner, *v.* Charles W. Johnson and E. F. Nelson, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 369. Plibrico Jointless Firebrick Company, petitioner, *v.* Israel Caigan. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 371. Empire Storage & Ice Company, petitioner, *v.* National Match Company. Petition for writ of certiorari to the Kansas City Court of Appeals, State of Missouri, denied.

No. 372. Grace Line, Inc., petitioner, *v.* Edwin A. Toulon. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 373. Independent Taxi Owners Association, Inc., petitioner, *v.* James Callas. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 375. Crompton & Knowles Loom Works, petitioner, *v.* Thomas W. White, Collector. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 376. Dorothy Karl, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 377. American Tobacco Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 378. P. Lorillard and Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 379. S. Anargyros, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 380. The Delaware & Hudson Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 381. Marshal Stearns, Ancillary Administrator C.T.A. of the Estate of Carl Richard Hieronymus, deceased, petitioner, *v.* David Burnet, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 382. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Mutual Life Insurance Company of New York. Petition

for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. **383.** The United States, petitioner, *v.* Ernest C. Whitbeck, Receiver of L-W-F Engineering Company, Inc. Petition for writ of certiorari to the Court of Claims denied.

No. **384.** The United States, petitioner, *v.* Highland Milk Condensing Company. Petition for writ of certiorari to the Court of Claims denied.

No. **385.** The United States, petitioner, *v.* Helvetia Milk Condensing Company. Petition for writ of certiorari to the Court of Claims denied.

No. **386.** The United States, petitioner, *v.* Chicago, Indianapolis & Louisville Railway Company. Petition for writ of certiorari to the Court of Claims denied.

No. **387.** The Lamson Company, Inc., petitioner, *v.* O. C. Ingalls, Trustee for the Armbruster Store Company, Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. **389.** David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Chicago and North Western Railway Company; and

No. **390.** David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Chicago and North Western Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. **391.** David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Norfolk Southern Railroad Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. **392.** The Texas and Pacific Railway Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. **395.** The United States, petitioner, *v.* The White Motor Company. Petition for writ of certiorari to the Court of Claims denied.

No. **397.** W. R. Ramsey, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. **398.** Louis Zuckerkandel and Abraham Lieberman, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. **401.** Lew Lysle Harr, Jr., as Executor of the Estate of Lew Lysle Harr, deceased, et al., etc., petitioners, *v.* Pioneer Mechanical

Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 402. Columbo Company, petitioner, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 403. Marvel Carburetor Company, petitioner, *v.* William C. Carter. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 405. George Crawford, petitioner, *v.* Frank G. Hale, Lieutenant Detective, Massachusetts State Police. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 406. Globe Indemnity Company, petitioner, *v.* C. H. Earle, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 407. Rose Fitz Gerald, petitioner, *v.* The Equitable Life Assurance Society of the United States. Petition for writ of certiorari to the Court of Appeals of the State of New York denied.

No. 409. Eloise Fain, petitioner, *v.* Cady Lumber Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 410. Vito Luppino, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 411. J. Henry Neal et al., Trustees of First People's Trust, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 412. Tower Hill Connellsville Coke Company, of West Virginia, etc., petitioner, *v.* Piedmont Coal Company, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 413. The Chesapeake and Ohio Railway Company, petitioner, *v.* Arthur B. Anderson. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 415. Abe Weinberg, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 416. Rocco Delarmi, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

The Chief Justice also announced the following order:

ORDER

The Court will take a recess from Monday, October 23, until Monday, November 6 next.

No. 18. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Northern Coal Company;

No. 19. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* C. H. Sprague & Son Company;

No. 20. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* United States Refractories Corporation;

No. 21. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Oswego and Syracuse Railroad Company;

No. 25. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Nanaline H. Duke et al.;

No. 75. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Julia Butterworth et al.;

No. 76. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Fidelity-Philadelphia Trust Company, Trustee, etc.;

No. 77. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Frank Pardee et al.;

No. 78. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Title Guarantee Loan & Trust Company, as Trustee, etc.;

No. 158. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Charles J. Canfield;

No. 225. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Otto H. Falk et al., etc.;

No. 349. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* American Chiclé Company;

No. 382. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Mutual Life Insurance Company of New York; and

No. 515. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* The Newport Company. Guy T. Helvering, present Commissioner of Internal Revenue, substituted as the party petitioner in place of David Burnet, on motion of Mr. Solicitor General Biggs in that behalf.

No. 33. Thomas H. Welch, petitioner, *v.* Commissioner of Internal

No. 38. Harold T. Griswold et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 129. John Freuler, Administrator, etc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 130. John Freuler, Administrator, etc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 131. John Freuler, Administrator, etc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 139. Marguerite T. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 140. Charlotte A. W. Lepic, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 141. Marie M. E. G. T. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 142. Charlotte Andree Whitcomb Lepic, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 143. Charlotte Andree Whitcomb Lepic, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 144. Marie M. E. G. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 145. Louise A. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 146. Lydia L. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 147. Louise A. F. E. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 148. Lydia L. I. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 149. Lydia Louise Ida Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 150. Louise A. F. E. Whitcomb, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 187. Arthur M. Brown, petitioner, *v.* Commissioner of Internal Revenue;

No. 212. William R. Thorsen, petitioner, *v.* Commissioner of Internal Revenue;

No. 311. Ida A. Van Dyke, petitioner, *v.* Commissioner of Internal Revenue; and

No. 312. Cleve W. Van Dyke, petitioner, *v.* Commissioner of Internal Revenue. Guy T. Helvering, present Commissioner of Internal Revenue, substituted as the party respondent, in place of David Burnet, on motion of Mr. Solicitor General Biggs, in that behalf.

No. 153. Albert H. Ladner, Jr., Collector of Internal Revenue, etc., petitioner, *v.* Philadelphia Barge Company et al. Alvin F. Fix, present Collector of Internal Revenue for the First Collection District of Pennsylvania, substituted as the party petitioner in place of Albert H. Ladner, Jr., on motion of Mr. Solicitor General Biggs in that behalf.

No 455. The Celotex Company and Colin C. Bell and Hobart P. Young, Receivers of The Celotex Company, petitioners, *v.* Masonite Corporation. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Dismissed per stipulation of counsel.

No. 18. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Northern Coal Company;

No. 19. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* C. H. Sprague & Son Company; and

No. 21. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Oswego and Syracuse Railroad Company. Argument continued by Mr. Paul F. Myers for the respondents in Nos. 18 and 19; by Mr. Douglas Swift for the respondent in No. 21; and concluded by Mr. Erwin N. Griswold for the petitioner.

No. 20. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* United States Refractories Corporation. Argued by Mr. Erwin N. Griswold for the petitioner, and by Mr. W. W. Montgomery, Jr., for the respondent.

No. 8. Butte, Anaconda & Pacific Railway Company, petitioner, *v.* The United States of America. Argument commenced by Mr. Daniel M. Kelly for the petitioner, and continued by Mr. Harold M. Stephens for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, October 17th, will be as follows: Nos. 8, 22 (23 and 24), 25, 26, 27, 30, 31, 33, 34 (35, 36, and 37), and 38.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Will G. Beardslee, of Seattle, Wash.; F. H. Reily, of Shawnee, Okla.; Louis H. Pink, of New York City; David Asch, of New York City; James S. Hays, of New York City; Burton G. Henson, of Tampa, Fla.; and Alfred Voyce, of San Francisco, Calif., were admitted to practice.

No. 8. Butte, Anaconda & Pacific Railway Company, petitioner, *v.* The United States of America. Argument concluded by Mr. Assistant Attorney General Stephens for the respondent.

No. 22. Johnson Oil Refining Company, appellant, *v.* The State of Oklahoma, *ex rel.* C. E. Mitchell, County Attorney, etc., et al.;

No. 23. Johnson Oil Refining Company, appellant, *v.* The State of Oklahoma, *ex rel.* C. E. Mitchell, County Attorney, etc., et al.; and

No. 24. Johnson Oil Refining Company, appellant, *v.* The State of Oklahoma, *ex rel.* C. E. Mitchell, County Attorney, etc., et al. Argued by Mr. A. A. Davidson for the appellant, and by Mr. Ed. Waite Clark for the appellees.

No. 25. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Nanaline H. Duke et al. Argument commenced by Mr. Solicitor General Biggs for the petitioner; continued by Mr. John W. Davis for the respondents; and concluded by Mr. Erwin N. Griswold for the petitioner.

No. 26. Southern Railway Company, appellant, *v.* Commonwealth of Virginia, *ex rel.* H. G. Shirley, State Highway Commissioner. Argument commenced by Mr. Sidney S. Alderman for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, October 18, will be as follows: Nos. 26, 27, 30, 31, 33, 34 (35, 36, and 37), 38, 44, 28 (and 29), and 32.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Wm. N. Haddad, of Chicago, Ill.; M. A. McMullen, of Clearwater, Fla.; Dean Emery, of New York City; Edwin P. Corbett, of Columbus, Ohio; John J. Mahoney, of Columbus, Ohio; and Vernon Cruickshank, of Los Angeles, Calif., were admitted to practice.

No. 26. Southern Railway Company, appellant, *v.* Commonwealth of Virginia, *ex rel.* H. G. Shirley, State Highway Commissioner of Virginia. Argument continued by Mr. J. F. Hall and by Mr. Brockenbrough Lamb for the appellee, and concluded by Mr. Thomas B. Gay for the appellant.

No. 27. State of Missouri and Franklin Miller, etc., petitioners, *v.* Johanna F. Fiske et al. Argued by Mr. G. A. Buder, Jr., for the respondents, and case submitted by Mr. Gilbert Lamb for the petitioner.

No. 30. Frank E. Cooper, as Trustee, etc., petitioner, *v.* R. F. Dasher. Argued by Mr. C. Edmund Worth for the petitioner, and by Mr. Burton G. Henson for the respondent.

No. 31. The United States of America, petitioner, *v.* F. H. Reily. Argument commenced by Mr. Assistant Attorney General Sweeney for the petitioner, and continued by Mr. F. H. Reily for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, October 19, will be as follows: Nos. 31, 33, 34 (35, 36, and 37), 38, 44, 28 (and 29), 32, 41, and 72.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Lee D. Hall, of Columbia, Miss.; Luther A. Smith, of Hattiesburg, Miss.; Branch Bird, of Gooding, Idaho; Edwin De T. Bechtel, of New York City; William H. Shure, of Fargo, N. Dak.; Francis R. Taylor, of Philadelphia, Pa.; and Alfred W. Bressler, of New York City, were admitted to practice.

No. 12, original. The State of New Jersey, complainant, *v.* The City of New York. Report of the Special Master submitted by Mr. Edward K. Campbell, Special Master.

No. 31. The United States of America, petitioner, *v.* F. H. Reily. Argument continued by Mr. F. H. Reily for the respondent and concluded by Mr. Assistant Attorney General Sweeney for the petitioner.

No. 33. Thomas H. Welch, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. Edward S. Stringer for the petitioner and by Mr. H. Brian Holland for the respondent.

No. 34. Keystone Driller Company, petitioner, *v.* General Excavator Company;

No. 35. Keystone Driller Company, petitioner, *v.* General Excavator Company;

No. 36. Keystone Driller Company, petitioner, *v.* The Osgood Company; and

No. 37. Keystone Driller Company, petitioner, *v.* The Osgood Company. Argument commenced by Mr. William H. Boyd for the petitioner, continued by Mr. Edwin P. Corbett for the respondents, and concluded by Mr. F. O. Richey for the petitioner.

No. 38. Harold T. Griswold et al., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argument commenced by Mr. William N. Haddad for the petitioners and continued by Mr. Erwin N. Griswold for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, October 20, will be as follows: Nos. 38, 44, 28 (and 29), 32, and 41.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Edward Randolph Walton, Jr., of Washington, D.C.; Paul Anthony Sweeney, of Tulsa, Okla.; Albert Louis Greenberg, of Pittsburgh, Pa.; and Stanley Farrar Brewster, of Washington, D.C., were admitted to practice.

No. 38. Harold T. Griswold et al., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argument continued by Mr. Erwin N. Griswold for the respondent, and concluded by Mr. William N. Haddad for the petitioners.

No. 44. L. M. Dakin, as Receiver, etc., petitioner, *v.* Taver Bayly, as Liquidator, etc. Argument commenced by Mr. Don C. McMullen for the petitioner, continued by Mr. Melvin A. McMullen for the respondent, and concluded by Mr. George B. Springston for the petitioner.

No. 28. The United States of America, as Trustee, etc., et al., petitioners, *v.* H. S. McGowan et al.; and

No. 29. The United States of America, as Trustee, etc., et al., petitioners, *v.* Bakers Bay Fish Company et al. Argued by Mr. Assistant Solicitor General MacLean for the petitioners, and by Mr. Guy E. Kelly for the respondents.

No. 32. The John K. & Catherine S. Mullen Benevolent Corporation, petitioner, *v.* The United States of America. Argued by Mr. Branch Bird for the petitioner, and by Mr. Assistant Attorney General Wideman for the respondent.

Adjourned until Monday, October 23 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Nathan Susskind, of Bayonne, N.J.; Philip Ralph Pastore, of New Haven, Conn.; Lewis J. Wallace, of Ogden, Utah; Robt. B. Porter, of Salt Lake City, Utah; Emmett E. Doherty, of Los Angeles, Calif.; O. Max Gardner, of Raleigh, N.C.; and William B. McKesson, of Los Angeles, Calif., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 18. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Northern Coal Company;

No. 19. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* C. H. Sprague & Son Company. On writs of certiorari to the United States Circuit Court of Appeals for the First Circuit; and

No. 21. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Oswego and Syracuse Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: Decrees affirmed by an equally divided Court. Mr. Justice Roberts took no part in the consideration or decision of these cases.

No. 20. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* United States Refractories Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Decree affirmed by an equally divided Court. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 25. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Nanaline H. Duke, George G. Allen, and William R. Perkins, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Decree affirmed by an equally divided Court. The Chief Justice took no part in the consideration or decision of this case.

No. 28. The United States of America, as Trustee and Guardian of the Different Tribes and Bands of the Quinaielt & Quillehute Indians, et al., petitioners, *v.* H. S. McGowan, Bakers Bay Fish Company, and The State of Washington; and

No. 29. The United States of America, as Trustee and Guardian of the Different Tribes and Bands of the Quinaielt & Quillehute Indians, et al., petitioners, *v.* Bakers Bay Fish Company and The State of Washington. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: Decrees affirmed. *Bodkin v. Edwards*, 255 U.S. 221, 223; *Texas & New Orleans R.R. Co. v. Railway Clerks*, 281 U.S. 548, 558; *Keating v. Public National Bank*, 284 U.S. 587; *United States v. Commercial Credit Co.*, 286 U.S. 63, 67; *Page v. Arkansas Natural Gas Corp.*, 286 U.S. 269, 271.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the clerk, and will not be announced orally.”

No. —. In Re Disbarment of Edmond C. Fletcher. It having been shown to the Court that Edmond C. Fletcher, a member of the Bar of this Court, had been disbarred from the practice of law in the Supreme Court of the District of Columbia; and this Court having issued its rule, October 9, 1933, directing the said Fletcher to show cause, pursuant to rule 2 of the Rules of this Court, why he should not be disbarred from the practice of the law in this Court; and the said Fletcher having filed his return and response to the said rule; and the Court being of opinion, upon consideration of the return, that the said Fletcher has failed to show good cause why he should not be disbarred, as provided in rule 2, paragraph 5, of the Rules of this Court,

It is now ordered that the said Edmond C. Fletcher be, and he is hereby, disbarred from further practice of the law in this Court, and that his name be, and it is hereby, stricken from the roll of attorneys admitted to practice before the Bar of this Court.

No. —, original. *Ex Parte*: J. W. McCarthy, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 12, original. The State of New Jersey, complainant, *v.* The City of New York. The report of the Special Master is received and ordered to be filed. Pursuant to the order of this Court entered May 29, 1933, this cause is set for argument on Monday, November 6, next.

No. 95. Atlantic Coast Line Railroad Company, petitioner, *v.* Sarah Elizabeth Stringfellow. The motion of the respondent for leave to proceed *in forma pauperis* in this case is granted.

No. 106. W. D. Sanders, petitioner, *v.* Armour Fertilizer Works et al. The motion for leave to proceed further herein *in forma pauperis* is granted.

No. 427. Elwood Grissinger, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied. The motion to remand is also denied.

No. 123. Martin R. Cuff, petitioner, *v.* The United States of America et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 260. J. C. Spivey, petitioner, *v.* Gulf, Colorado & Santa Fe Railway Company. On petition for writ of certiorari to the Court of Civil Appeals, Third Supreme Judicial District, State of Texas. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 527. William J. Reid, petitioner, *v.* A. C. Aderhold, Warden, United States Penitentiary, Atlanta, Georgia. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 152. Newton W. Lumbr, petitioner, *v.* The United States of America. The motion for leave to proceed further herein *in forma pauperis* is granted.

No. 212. William R. Thorsen, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. This case is assigned for argument immediately following No. 158.

No. 531. Leo Nebbia, appellant, *v.* The People of the State of New York. In this case probable jurisdiction is noted. The joint motion to advance is granted, and the case assigned for argument on Monday, December 4, next.

No. 434. Ada L. Burroughs and James Cannon, Jr., petitioners, *v.* The United States of America. The petition for writ of certiorari to the Court of Appeals of the District of Columbia granted, and the case is advanced and assigned for argument on Monday, December 4, next.

No. 419. Globe Indemnity Company, petitioner, *v.* The United States of America, to the use of Steacy-Schmidt Manufacturing Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 421. Joseph Falbo, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 429. The Travelers Protective Association of America, petitioner, *v.* Uluetta Prinsen. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 435. Santos Miquel, petitioner, *v.* J. Raymond McCarl, Comptroller General, et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 449. E. W. Clark, as Receiver, petitioner, *v.* Harry O. Williard et al. Petition for writ of certiorari to the Supreme Court of the State of Montana granted.

No. 418. Martha Virginia Rhoderick, Executrix of the Estate of Elbridge P. Rhoderick, deceased, et al., petitioners, *v.* Luther A. Swartzell et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 420. J. W. Hosier and Joe Reno, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 423. George W. Johnson, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 424. Beneficial Loan Society, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 425. William C. Atwater & Company, Inc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 430. Everett J. Esselstyn, as Executor, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ

of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 431. The United States Fidelity and Guaranty Company et al., petitioners, *v.* State of Mississippi for the use and benefit of Leflore County, Mississippi, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 436. John H. Spurlock, Ted Dempsey, et al., petitioners, *v.* Security Building & Loan Association et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 439. Paul Little, petitioner, *v.* Cox & Carpenter, Inc., and United States Fidelity & Guaranty Co., Garnishee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 441. New York Underwriters Insurance Company, petitioner, *v.* The Central Union Bank of South Carolina. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 442. P. A. Tate, petitioner, *v.* Nike G. Sevier, Judge of the Circuit Court of Cole County, Missouri. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 443. Fiorentino Yengo, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 444. Utah Home Fire Insurance Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 446. Boston Broadcasting Company, petitioner, *v.* Federal Radio Commission. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 447. William S. Pote, petitioner, *v.* Federal Radio Commission. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 448. Rudolph Jackson, E. T. Anderson, et al., petitioners, *v.* The City of El Paso, Texas, et al. Petition for writ of certiorari to the Supreme Court of the State of Texas denied.

No. 450. The Travelers Insurance Company, petitioner, *v.* Morva Allen Bancroft and Elsie Alice Bancroft, as Minor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 172. Charles H. Whitehead, Executor, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 396. Boston Safe Deposit and Trust Company, et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 475. Security Trust Company, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 494. W. H. Hill Company, by Union Guardian Trust Company, Receiver, petitioner, *v.* Commissioner of Internal Revenue; and

No. 528. Crucible Steel Casting Company, petitioner, *v.* Commissioner of Internal Revenue. Guy T. Helvering, present Commissioner of Internal Revenue, substituted as the party respondent in place of David Burnet, on motion of Mr. Solicitor General Biggs in that behalf.

No. 453. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* New York Life Insurance Company. Guy T. Helvering, present Commissioner of Internal Revenue, substituted as the party petitioner, on motion of Mr. Solicitor General Biggs in that behalf.

No. 45. Canal-Commercial Trust & Savings Bank, petitioner, *v.* Commissioner of Internal Revenue;

No. 46. Canal Commercial National Bank, petitioner, *v.* Commissioner of Internal Revenue;

No. 96. Flemmon E. Gloyd, petitioner, *v.* Commissioner of Internal Revenue;

No. 108. United Business Corporation of America, petitioner, *v.* Commissioner of Internal Revenue;

No. 110. Spinks Realty Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 118. Coalinga-Mohawk Oil Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 169. Florence B. Fawsett, petitioner, *v.* Commissioner of Internal Revenue;

No. 193. Mary G. Mulqueen, as Executrix, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 197. Ed Kasch et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 207. Meredith Publishing Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 238. Louis M. Bourne, petitioner, *v.* Commissioner of Internal Revenue;

No. 245. H. C. Walker, Jr., petitioner, *v.* Commissioner of Internal Revenue;

No. 246. Mrs. H. C. Walker, jr., petitioner, *v.* Commissioner of Internal Revenue;

No. 247. Elias Goldstein, petitioner, *v.* Commissioner of Internal Revenue;

No. 248. Mrs. Elias Goldstein, petitioner, *v.* Commissioner of Internal Revenue;

No. 251. Fidelity Savings and Loan Association, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 253. Comar Oil Company, petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 315. Joseph H. Adams, petitioner, *v.* Commissioner of Internal Revenue;

No. 380. The Delaware and Hudson Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 381. Marshal Stearns, Ancillary Administrator, etc., petitioner, *v.* David Burnet, Commissioner of Internal Revenue;

No. 411. J. Henry Neal et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 424. Beneficial Loan Society, petitioner, *v.* Commissioner of Internal Revenue; and

No. 444. Utah Home Fire Insurance Company, petitioner, *v.* Commissioner of Internal Revenue. Motion to substitute Guy T. Helvering, present Commissioner of Internal Revenue, as the party respondent in place of David Burnet, submitted by Mr. Solicitor General Biggs in that behalf, and the motion denied.

No. 252. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Hutchinson Coal Company;

No. 282. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Marian B. Pringle;

No. 283. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Phyllis B. Brunson;

No. 389. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Chicago and North Western Railway Company;

No. 390. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Chicago and North Western Railway Company; and

No. 391. David Burnet, Commissioner of Internal Revenue, petitioner, *v.* Norfolk Southern Railroad Company. Motion to substitute Guy T. Helvering, present Commissioner of Internal Revenue, as the party petitioner, submitted by Mr. Solicitor General Biggs in that behalf and the motion denied.

Adjourned until Monday, November 6 next, at 12 o'clock.

The day call for Monday, November 6, will be as follows: Nos. 12 original, 88, 162, 241, 11, 16, 222, 351, 352, and 370.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Edward I. Fitzpatrick, of San Francisco, Calif.; Peter W. Quinn, of New York City; Richard Mayer, of Chicago, Ill.; George J. Hirsch, of New York City; Allen May, of Saint Louis, Mo.; Pat Mehaffy, of Little Rock, Ark.; George B. Lourie, of Newton, Mass.; Edward L. Wood, of Denver, Colo.; John M. Keating, of Denver, Colo.; Abraham C. Webber, of Newton, Mass.; Lewis H. Weinstein, of Boston, Mass.; Frank G. Volpe, of Arlington, Mass.; Charles J. O'Brien, of Rochester, N.Y.; Lewis C. Westwood, of Tecumseh, Nebr.; Mitchell Long, of Knoxville, Tenn.; Karl Hall Covell, of Minneapolis, Minn.; and W. L. Pope, of Little Rock, Ark., were admitted to practice.

No. 50. Charles A. Shepard, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment reversed, and cause remanded to the District Court of the United States for the District of Kansas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 30. Frank E. Cooper, as Trustee in Bankruptcy of Wauchula Central Pharmacy, Inc., Bankrupt, petitioner, *v.* R. F. Dasher. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Southern District of Florida for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 33. Thomas H. Welch, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree affirmed, and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Cardozo.

No. 9. Cullen Fuel Company, Inc., Owner of Deck Scow "Cullen No. 32", petitioner, *v.* W. E. Hedger, Inc., Bailee of Cargo. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and cause remanded

to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Roberts.

No. 32. The John K. & Catherine S. Mullen Benevolent Corporation, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the District of Idaho. Opinion by Mr. Justice Roberts.

No. 17. The United States of America, Interstate Commerce Commission, Texas & New Orleans Railroad Company, et al., appellants, *v.* The State of Louisiana, Louisiana Public Service Commission and Louisiana Highway Commission. Appeal from the District Court of the United States for the Eastern District of Louisiana. Decree reversed, and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 1. Fidelity and Deposit Company of Maryland, petitioner, *v.* George C. Arenz. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the District of Oregon for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 13. The Trainor Company, petitioner, *v.* The Aetna Casualty & Surety Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgments of the Circuit Court of Appeals and of the District Court of the United States for the Eastern District of Pennsylvania reversed, and cause remanded to the said District Court with directions to enter judgment in the amount of \$14,973.98. Opinion by Mr. Justice Sutherland.

No. 38. Harold T. Griswold, W. W. S. Carpenter, and Laird Bell, Executors of the Estate of William H. Redington, deceased, petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed, and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Sutherland.

No. 5. Ivan E. Oakes, petitioner, *v.* Ben Lake, as Sheriff of Owyhee County, Idaho. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgments reversed with costs, and cause remanded to the District Court of the United States for the District of Idaho for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 39. J. J. Nathanson, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court

of Appeals for the Third Circuit. Judgment reversed, and cause remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 31. The United States of America, petitioner, *v.* F. H. Reily. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Decree reversed, and cause remanded to the District Court of the United States for the Western District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 7. The State of Minnesota, petitioner, *v.* George Blasius. On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 15. E. P. Jacobs and Augustus Gunter, Executor of the Last Will of Mrs. S. B. Gunter, deceased, petitioners, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed, and cause remanded to the District Court of the United States for the Northern District of Alabama for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 27. State of Missouri and Franklin Miller, etc., petitioners, *v.* Johanna F. Fiske, Amanda F. Wheeler, Henrietta A. Holdoway, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Decree of the Circuit Court of Appeals reversed, and the cause remanded to the District Court of the United States for the Eastern District of Missouri with directions to dismiss the ancillary and supplemental bill. Opinion by Mr. Chief Justice Hughes.

No. —, original. Ex Parte: Joseph Poresky, petitioner. On motion for leave to file petition for writ of mandamus. Motion for leave to file petition for writ of mandamus denied. *Per curiam* opinion announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 472. Public Service Commission of Indiana et al., appellants, *v.* Northern Indiana Public Service Company. Appeal from the District Court of the United States for the Northern District of Indiana. *Per curiam*: The order granting an interlocutory injunction is affirmed. (1) Ex parte: Young, 209 U.S. 123, 159; Ex parte: LaPrade, 289 U.S. 444, 455, 456; (2) Alabama *v.* United States, 279 U.S. 229; Binford *v.* McLeaish, 284 U.S. 598.

No. 493. Paul Klopstock & Company, Inc., appellant, *v.* United Fruit Company. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The motion of appellant to strike the statement opposing jurisdiction is denied. The appeal is dismissed for the want of jurisdiction. Sec. 237 (a) Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereupon the appeal was allowed as a petition for writ of certiorari as required by Sec. 237 (c) Judicial Code as amended (43 Stat. 936, 938), certiorari is denied.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. —, original. *Ex Parte*: Irwin J. Bernstein, petitioner. Motion for leave to file petition for writ of *habeas corpus* denied.

No. 487. George Morrison and H. Doi, appellants, *v.* The People of the State of California. Further consideration of the question of the jurisdiction of this Court in this case and of the motion to dismiss is postponed to the hearing of the case on the merits. The case is advanced and assigned for argument on Monday, December 11 next, after the cases heretofore assigned for that day.

No. 509. Life & Casualty Insurance Company, appellant, *v.* Albert Barefield. In this case probable jurisdiction is noted and the case is assigned for argument immediately following No. 89.

No. 541. Seldon Glenn et al., individually, etc., appellants, *v.* Field Packing Company. In this case probable jurisdiction is noted. The motion to advance is granted and the case is assigned for argument on Wednesday, November 15 next.

No. 463. Hans Elliot and United States Fidelity and Guaranty Company, petitioners, *v.* Thomas R. Lombard. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 477. Noah Best, Administrator of the Estate of Albert Edward Best, deceased, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 473. Royal Indemnity Company et al., petitioners, *v.* The American Bond & Mortgage Company, Inc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 393. Cohen Goldman & Company, Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 432. Lilla H. Glenn and Chemical Bank and Trust Company, as Executors, etc., petitioners, *v.* Frank Collis Bowers, as Executor, etc.; and

No. 433. Lilla H. Glenn and Chemical Bank and Trust Company, as Executors, etc., petitioners, *v.* William H. Edwards, Collector of Internal Revenue, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 445. Goodyear Tire & Rubber Co., Inc., petitioner, *v.* Overman Cushion Tire Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 465. The Goodyear Tire & Rubber Company, petitioner, *v.* Overman Cushion Tire Company, Inc., and Kelly-Springfield Tire Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 451. Joseph Frankel, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 452. Inecto, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 453. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 454. Richard J. Mackey and/or Mackey & Marchisio, petitioners, *v.* Irving Trust Company, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 456. The Century Indemnity Company, petitioner, *v.* G. Nelson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 457. Rhetherford B. Martin, petitioner, *v.* Tennessee Copper & Chemical Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 458. Jack E. O'Hearne, petitioner, *v.* The United States of America. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 459. The First National Bank of Boston, Executor, etc., petitioner, *v.* J. Dan Talbott, Auditor of Public Accounts of the Com-

monwealth of Kentucky. Petition for writ of certiorari to the Court of Appeals of the State of Kentucky denied.

No. 460. United States Trust Company of New York, as Executor, etc., petitioner, *v.* Charles W. Anderson, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 461. Opelousas-St. Landry Securities Co., Inc., et al., petitioners, *v.* The United States of America et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 462. State of Iowa *ex rel.* Board of Railroad Commissioners of the State of Iowa, petitioner, *v.* Stanolind Pipe Line Company. Petition for writ of certiorari to the Supreme Court of the State of Iowa denied.

No. 464. Howard O. McMillan, petitioner, *v.* The H. W. Roos Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 466. Eugenio Aquilera y Kindelan, etc., petitioner, *v.* Harold L. Ickes, Secretary of the Interior. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 467. Texas Electric Service Company, petitioner, *v.* City of Seymour et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 468. Orville Livingston, Trustee, etc., petitioner, *v.* The Mortgage Loan Company and Repps B. Goodson, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 469. Cleveland, Cincinnati, Chicago & St. Louis Railway Company, petitioner, *v.* O. D. Taylor. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 470. Lester Wallace Cunningham et al., petitioners, *v.* The Pacific Mutual Life Insurance Company of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 471. Vaughn A. Hall, petitioner, *v.* George G. Cronkleton, Receiver of the First National Bank of Hastings, Nebraska. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 474. Roy Burlew, petitioner, *v.* The Fidelity & Casualty Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 475. Security Trust Company, now Detroit Trust Company, and Anna Dodge Dillman, as Trustee, etc., petitioner, *v.* Guy T.

Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 476. The Atchison, Topeka, and Santa Fe Railway Company, petitioner, *v.* Union Wire Rope Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 478. Detroit Trust Company and Matilda R. Wilson, as Trustees, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 480. New York, Ontario & Western Railway Company, petitioner, *v.* Eugene McHale. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 481. New York, Ontario & Western Railway Company, petitioner, *v.* Willard Jones. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 482. Old Dominion Stages, petitioner, *v.* R. I. Cates, Administrator of the Estate of A. J. Cates, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 483. The Duncanson-Harrelson Company, petitioner, *v.* Lyle A. Davidson, Claimant of the Tugboat "Marian", etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 484. Albert Y. Gowen, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 485. E. A. Heiden, Receiver of the Sioux National Bank of Sioux City, Iowa, petitioner, *v.* Wm. J. S. Cremin, Trustee. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 488. Chicago and Eastern Illinois Railway Company, petitioner, *v.* Public Service Commission of Indiana. Petition for writ of certiorari to the Supreme Court of the State of Indiana denied.

No. 490. Carolina Contracting Company, petitioner, *v.* Standard Accident Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 491. Rubsam Corporation, Charles F. Rubsam, et al., petitioners, *v.* General Motors Corporation et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 499. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Eva Follett Warner. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 504. L. C. Sorensen, M. J. Dée, and Turco Products, Inc., petitioners, *v.* The Pyrate Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 363. The Arrow-Hart & Hegeman Electric Company, petitioner, *v.* Federal Trade Commission. Consideration of the petition for writ of certiorari deferred for a period of 30 days from this date on motion of Mr. Arthur E. Mullen in behalf of counsel for petitioner.

No. 222. State of Montana, Board of Railroad Commissioners of the State of Montana, et al., etc., appellants, *v.* The United States of America et al. Motion of the National Association of Railroad and Utilities Commissioners for leave to participate in the oral argument as *amicus curiae* submitted by Mr. John E. Benton in that behalf, and the motion denied.

No. 400. City of Marion, Illinois, a Municipal Corporation, et al., petitioners, *v.* Ben Sneed, as Receiver, etc. Motion of the People of the Philippine Islands for leave to participate in the oral argument as *amicus curiae* submitted by Mr. William Catron Rigby in that behalf.

No. —, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of Arkansas. Motion for leave to file bill of complaint submitted by Mr. Philip S. Moyer for the complainant.

No. —, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of Arkansas. Motion for leave to file a response to the motion for leave to file bill of complaint submitted by Mr. W. L. Pope for the defendant.

No. —, original. Ex Parte: W. Bissell Thomas, petitioner. Return to the rule to show cause presented.

No. —, original. State of Alabama, complainant, *v.* State of Arizona et al. Return of the Commonwealth of Kentucky to rule to show cause presented.

No. 12, original. The State of New Jersey, complainant, *v.* The City of New York. Argued on (1) Motion of complainant for a rule in contempt; (2) Motion of defendant for modification of decree

of December 7, 1931; and (3) Report of the Special Master upon the Second Rereference, by Mr. Duane E. Minard for the complainant and by Mr. Arthur J. W. Hilly for the defendant.

No. 88. The United States of America, petitioner, *v.* Harry Murdock. Argued by Mr. Solicitor General Biggs for the petitioner, and by Mr. Harold J. Bandy for the respondent.

No. 162. The United States of America, appellant, *v.* Gregorio Chavez and Jose Maria Chavez. Argument commenced by Mr. Solicitor General Biggs for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 7, will be as follows: Nos. 162, 241, 11, 16, 222, 351, 352, 370, 41, and 62 (63 and 64).

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Phoebe J. O'Donnell, of Omaha, Nebr.; George F. Shea, of New York City; William S. Ervin, of Minneapolis, Minn.; You Chung Hong, of Los Angeles, Calif.; Charles E. Fairman, of Washington, D.C.; and Theodore Stubbs, of Galveston, Tex., were admitted to practice.

No. 162. The United States of America, appellant, *v.* Gregorio Chavez and Jose Maria Chavez. Argument concluded by Mr. Solicitor General Biggs for the appellant, and case submitted by Mr. George R. Craig for the appellees.

No. 241. Herman Snyder, petitioner, *v.* Commonwealth of Massachusetts. Argued by Mr. A. C. Webber for the petitioner, and by Mr. Joseph E. Warner for the respondent.

No. 11. Central Kentucky Natural Gas Company, appellant, *v.* Railroad Commission of Kentucky et al. Argued by Mr. Henry T. Duncan for the appellants; by Mr. Robert H. Winn for the appellees Railroad Commission of Kentucky and the City of Lexington; and by Mr. Joseph A. Edge for the appellees Mrs. George Hignight et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 8, will be as follows: Nos. 16, 222, 351, 352, 370, 41, 62 (63 and 64), 65, 84, and 51.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

David M. Palley, of New York City; Lawrence Bennett, of New York City; G. Franklin Ludington, of New York City; Louis Caplan, of Pittsburgh, Pa.; and Carlos Gustave Nordquist, of Seattle, Wash., were admitted to practice.

No. 16. Missouri State Life Insurance Company and Hartford Accident & Indemnity Company, petitioners, *v.* Marion Johnson. Jester Jones, Administrator of the Estate of Marion Johnson, substituted as the party respondent on motion of Mr. Tom Poe.

No. 16. Missouri State Life Insurance Company and Hartford Accident & Indemnity Company, petitioners, *v.* Jester Jones, Administrator, etc. Argued by Mr. Allen May for the petitioners and by Mr. Tom Poe for the respondent.

No. 222. State of Montana et al., appellants, *v.* The United States, Interstate Commerce Commission, Northern Pacific Railway Company, et al. Submitted on briefs per stipulation of counsel by Mr. Francis A. Silver for the appellants; by Mr. Solicitor General Biggs and Mr. Elmer B. Collins for appellee, The United States; by Mr. Daniel W. Knowlton and Mr. Edward M. Reidy for appellee, The Interstate Commerce Commission; by Mr. M. L. Countryman, Jr., Mr. D. F. Lyon, Mr. F. G. Dorety, Mr. J. N. Davis, and Mr. Walter McFarland for appellees, Northern Pacific Railway Company et al.

No. 351. Larabee Flour Mills Company *v.* First National Bank of Dublin; and

No. 352. First National Bank of St. Petersburg, Florida, et al., *v.* City of Miami. Argued by Mr. Kenneth I. McKay for First National Bank of Dublin; by Mr. C. I. Carey for City of Miami; and by Mr. H. E. Hackney for Comptroller of Currency of the United States, and case submitted by Mr. C. C. Crockett for Larabee Flour Mills Company.

No. 370. Home Building & Loan Association, appellants, *v.* John H. Blaisdell and Rosella Blaisdell, his wife. Argument commenced

by Mr. Karl H. Covell for the appellants; continued by Mr. Alfred W. Bowen for the appellants; and by Mr. Harry H. Peterson and Mr. William S. Ervin for the appellees.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 9, will be as follows: Nos. **370, 41, 62 (63, 64, and 65), 84, 72, 51, 54, 75, 76, and 77.**

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

George H. Barber, of Albany, N. Y.; Charles V. Garnett, of Kansas City, Mo.; F. F. Thomas, Jr., of San Francisco, Calif.; I. K. Lewis, of Duluth, Minn.; Richard Ford, of Detroit, Mich.; James H. Hyer, of Athens, N. Y.; Lawrence Duncan Lloyd, of Chicago, Ill.; Wm. P. Lane, Jr., of Baltimore, Md.; Willis R. Jones, of Baltimore, Md.; Frederick E. S. Morrison, of Philadelphia, Pa.; Raymond K. Denworth, of Philadelphia, Pa.; Harris C. Arnold, of Lancaster, Pa.; Leslie M. Swope, of Philadelphia, Pa.; and Wolcott P. Robbins, of New York City, were admitted to practice.

Order

No. 5. Ivan E. Oakes, petitioner, *v.* Ben Lake, as Sheriff of Owyhee County, Idaho. Ordered, that the opinion in this case be amended as follows: By striking out the following, now appearing on page 4 of said opinion:

“The true rule is stated in *Robertson v. Staed, supra*, at page 137, by the Supreme Court of Missouri:

“‘Independently of the matter of comity a receiver who has been appointed by a foreign court, and who by virtue of such appointment has taken into his possession and custody within said jurisdiction property belonging to an insolvent debtor, thereby acquires a special property in said chattel, and when the same, upon being sent or removed into this State or any other jurisdiction is there seized and detained by a creditor of said insolvent, he is thereby entitled, as a matter of right, to institute and maintain in the courts of this State an action of replevin for its recovery.’”

And by inserting in lieu thereof: -

“The true rule is stated in *Robertson v. Staed, supra*, by the supreme court of Missouri, where it was held that where the receiver has taken possession of property in pursuance of his appointment, a special property is thereby vested in him which enables him to maintain a suit for the recovery of the property in a foreign jurisdic-

tion; and that the principle upon which that may be done is 'one of law and not of comity.'"

No. 72. Raymond J. Funkhouser and Elmer M. Funkhouser, doing business under the firm name and style of R. J. Funkhouser & Co., appellants, *v.* J. B. Preston Company, Inc. Submitted by Mr. George Link, Jr., for the appellants, and by Mr. Jeremiah A. O'Leary for the appellee, with leave to appellant to file an additional brief within five days.

No. 370. Home Building and Loan Association, appellant, *v.* John H. Blaisdell and Rosella Blaisdell, his wife. Argument concluded by Mr. Wm. S. Ervin for the appellees.

No. 41. Board of Supervisors of Harrison County, Iowa, and Pigeon Creek Drainage District in that County, appellants, *v.* Board of Supervisors of Pottawattamie County, Iowa, et al. Argued by Mr. Ellsworth C. Alvord for the appellants, and case submitted by Mr. George S. Wright for the appellees.

No. 84. City Bank Farmers Trust Company, Executor, etc., appellant, *v.* William A. Schnader, Attorney General of Pennsylvania, et al. Argued by Mr. Henry S. Drinker, Jr., for the appellant, and by Mr. William A. Schnader for the appellees. Leave granted appellant to file an additional brief within five days.

No. 62. First National Bank of Cincinnati et al., petitioners, *v.* Rudolph B. Flershem et al., etc.;

No. 63. First National Bank of Cincinnati et al., petitioners, *v.* Rudolph B. Flershem et al., etc.;

No. 64. Amy Arzt and Josephine Ramsey, petitioners, *v.* Rudolph B. Flershem et al., etc.; and

No. 65. Lily Clapier, petitioner, *v.* Rudolph B. Flershem et al., etc. Argument commenced by Mr. Ralph Royall for the petitioner, First National Bank of Cincinnati, in Nos. 62 and 63; and continued by Mr. James F. Hubbell for petitioner International Heater Co. in Nos. 62 and 63; and by Mr. David M. Palley for the petitioners in Nos. 64 and 65.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 10, will be as follows: Nos. 62 (63, 64, and 65), 51, 54, 75, 76, 77, 78, 71 (and 95), 79, and 80.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Corydon Bushnell Dunham, of New York City; Leland K. Neeves, of Chicago, Ill.; Daniel E. McGrath, of Amarillo, Tex.; Morris Gogolick, of New York City; and David Charness, of Milwaukee, Wis., were admitted to practice.

No. 62. First National Bank of Cincinnati and International Heater Company, petitioners, *v.* Rudolph B. Flershem et al., etc.;

No. 63. First National Bank of Cincinnati and International Heater Company, petitioners, *v.* Rudolph B. Clershem et al., etc.;

No. 64. Amy Arzt and Josephine Ramsey, petitioners, *v.* Rudolph B. Flershem et al., etc.; and

No. 65. Lily Clapier, petitioner, *v.* Rudolph B. Flershem et al., etc. Argument continued by Mr. Lawrence Bennett for the respondent, Reorganization Committee, in Nos. 62, 63, 64, and 65; and concluded by Mr. Grandin Tracy Vought for respondent, Bankers Trust Company, in Nos. 62, 63, and 64.

No. 51. William Miller, Administrator, etc., petitioner, *v.* Union Pacific Railroad Company. Argued by Mr. Martin J. O'Donnell for the petitioner, and by Mr. Charles V. Garnett for the respondent.

No. 54. Acel C. Alexander, Collector of Internal Revenue, petitioner, *v.* Cosden Pipe Line Company. Argument commenced by Mr. Solicitor General Biggs for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 13, will be as follows: Nos. 54, 75, 76, 77, 78, 394, 71 (and 95), 79, 80, and 56.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Jno. W. Carter, Jr., of Danville, Va.; Hobart Huson II, of San Antonio, Tex.; Jas. A. Steele, of Refugio, Tex.; Sam Johnson, of Maryville, Tenn.; F. Herbert Prem, of New York City; Wm. Burnet Wright, of Baltimore, Md.; Henry F. Butler, of Cambridge, Mass.; Chas. D. Welch, of Coffeyville, Kans.; and J. Martin McDonough, of Baltimore, Md., were admitted to practice.

No. 4. Krauss Bros. Lumber Company, petitioner, *v.* Dimon Steamship Corporation, Claimant of the Steamship "Pacific Cedar", her engines, etc. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed with costs. and cause remanded to the District Court of the United States for the Western District of Washington for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland, Mr. Justice Butler, and Mr. Justice Roberts.

The Chief Justice announced the following orders of the Court:

No. 222. State of Montana, Board of Railroad Commissioners of the State of Montana, et al., etc., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the District of Montana. *Per curiam*: Decree affirmed. United States *v.* Louisiana, 290 U.S. —, decided November 6, 1933.

No. 351. Larabee Flour Mills Company *v.* First National Bank of Dublin; and

No. 352. The First National Bank of St. Petersburg, Fla., et al., *v.* City of Miami. On certificates from the United States Circuit Court of Appeals for the Fifth Circuit. *Per curiam*: The certificates are dismissed. Baltimore & Ohio R.R. Co. *v.* Interstate Commerce Commission, 215 U.S. 216, 221; Waterville *v.* Van Slyke, 116 U.S.

699, 703-704; *Jewell v. Knight*, 123 U.S. 426, 432, 433, 434; *Chicago, Burlington & Quincy Ry. Co. v. Williams*, 205 U.S. 444, 451, 454; *Hallowell v. The United States*, 209 U.S. 101, 106, 107; *United States v. Mayer*, 235 U.S. 55, 66; *Biddle v. Luvisch*, 266 U.S. 173, 174, 175.

No. 41. Board of Supervisors of Harrison County, Iowa, and Pigeon Creek Drainage District in that County, appellants, *v.* Board of Supervisors of Pottawattamie County, Iowa, et al. Appeal from the Supreme Court of the State of Iowa. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. *Boston & Maine R.R. Co. v. Armburg*, 285 U.S. 234, 240; *O'Gorman & Young v. Hartford Insurance Co.*, 282 U.S. 251, 257, 258; *Hardware Dealers Mutual Fire Insurance Co. v. Glidden Co.*, 284 U.S. 151, 158; *Lawrence v. State Tax Commission*, 286 U.S. 276, 283.

No. 525. American Baseball Club of Philadelphia et al., appellants, *v.* City of Philadelphia et al. Appeal from the Supreme Court of the State of Pennsylvania. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. (1) *Ex parte*: *Poresky*, 290 U.S. —, decided November 6, 1933; *Levering & Garrigues Co. v. Morrin*, 289 U.S. 103, 105; *Equitable Life Assurance Society v. Brown*, 187 U.S. 308, 311; *Pennsylvania Hospital v. Philadelphia*, 245 U.S. 20, 24; *Roe v. Kansas*, 278 U.S. 191. (2) *Patsone v. Pennsylvania*, 232 U.S. 138, 144; *Silver v. Silver*, 280 U.S. 117, 123; *Sproles v. Binford*, 286 U.S. 374, 396. (3) *United States v. Grimaud*, 220 U.S. 506, 516, 518; *United States v. Chemical Foundation*, 272 U.S. 1, 11, 12; *Hampton & Co. v. United States*, 276 U.S. 394, 406, 407.

No. 546. American Airways, Inc., appellant, *v.* Alice Lee Grosjean, Supervisor of Public Accounts of the State of Louisiana. Appeal from the District Court of the United States for the Eastern District of Louisiana. *Per curiam*: Decree affirmed. *Edelman v. Boeing Air Transport, Inc.*, 289 U.S. 249, 251, 252.

No. 551. Wald Transfer & Storage Company, appellant, *v.* Lon A. Smith et al. Appeal from the District Court of the United States for the Southern District of Texas. *Per curiam*: Decree affirmed. *Bradley v. Public Utility Commission*, 289 U.S. 92, 95-98.

No. 552. D. A. Beard, appellant, *v.* Lon A. Smith et al. Appeal from the District Court of the United States for the Southern District of Texas. *Per curiam*: Decree affirmed. *Bradley v. Public Utility Commission*, 289 U.S. 92, 95-98.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. Ex parte: Garland Latta, petitioner. The motion for leave to file petition for writ of *habeas corpus* is denied.

No. —, original. Commonwealth of Pennsylvania, complainant, v. State of Arkansas. The motion for leave to file a bill of complaint herein is granted and process is ordered to issue returnable on Monday, January 15, next.

No. —, original. Ex parte: W. Bissell Thomas et al., petitioners. The rule to show cause herein is discharged and the motion for leave to file petition for writ of mandamus is denied.

No. 400. City of Marion, Illinois, a Municipal Corporation, et al., petitioners, v. Ben Sneed, as Receiver, etc. The motion on behalf of the People of the Philippine Islands for leave to participate in the oral argument as *amicus curiae* is denied.

No. 560. John W. Laramore, petitioner, v. The State of Florida. On petition for writ of certiorari to the Supreme Court of the State of Florida. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 563. Ralph Mark, petitioner, v. Joseph Wilson, Warden of Great Meadow Prison, Comstock, N.Y. On petition for writ of certiorari to the Supreme Court of New York, Appellate Division, 3rd Department. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 548. Illinois Bell Telephone Company, appellant, v. Benjamin F. Lindheimer et al., etc. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits, and the case is assigned for argument with No. 440 heretofore assigned for argument on Monday, January 15, next.

No. 505. Manhattan Properties, Inc., petitioner, v. Irving Trust Company, as Trustee, etc.; and

No. 506. Samuel R. Brown et al., petitioners, v. Irving Trust Company, as Trustee, etc. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted. The motion to consolidate and advance is granted and the

cases are assigned for argument on Monday, January 8, next, after the cases heretofore assigned for that day.

No. 507. Dooley Improvements, Inc., petitioner, *v.* Motor Improvements, Inc., and Ernest J. Sweetland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 280. Atlantic Oil Transit Corporation and National Surety Company, petitioners, *v.* Proctor & Gamble Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 172. Charles H. Whitehead, Executor of the Estate of Mary H. Whitehead, deceased, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 486. George O. Baird, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 489. Katherine Bogan, as Special Administratrix of the Estate of John Arthur Eddy, deceased, petitioner, *v.* Letitia Hynes, sometimes known as Latitia Hynes, and Harry Hynes. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 492. Giovanni Impiriale, *alias* Andrea Burricei, petitioner, *v.* Frances Perkins, Secretary of Labor. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 494. W. H. Hill Company, by Union Guardian Trust Company, Receiver, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 496. Navigazione Generale Italiana, petitioner, *v.* Philip Elting, Collector of Customs of the Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 497. Transatlantica Italiana, petitioner, *v.* Philip Elting, Collector of Customs of the Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 500. Esther Pine, petitioner, *v.* The Columbian National Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 501. Derolice D. Cobb, petitioner, *v.* National Surety Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 502. Lafayette Worsted Company, petitioner, *v.* Frank A. Page, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 503. Rosenbloom Finance Corporation, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 508. Southern Realty Corporation et al., petitioners, *v.* W. W. Heath, Secretary of State, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 510. Compagnie Francaise De Navigation A Vapeur, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 511. Compagnie Francaise De Navigation A Vapeur, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 512. Compagnie Francaise De Navigation A Vapeur, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 513. Compagnie Francaise De Navigation A Vapeur, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 514. Compagnie Francaise De Navigation A Vapeur, petitioner, *v.* Philip Elting, Collector of Customs, Port of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 517. State *ex rel.* Theodore Cotonio, petitioner, *v.* Italo-American Homestead Association. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

The Chief Justice also announced the following order:

ORDER

The Court will take a recess from Monday, November 20, until Monday, December 4 next.

No. 547. New Colonial Ice Company, Inc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 554. Thomas A. O'Donnell, petitioner, *v.* Commissioner of Internal Revenue. Guy T. Helvering, present Commissioner of Internal Revenue, substituted as party respondent in place of David Burnet, on motion of Mr. Solicitor General Biggs in that behalf.

No. 168. J. M. Jannett and J. A. Skipper, appellants, *v.* Dan Hardie, as Sheriff of Dade County, Florida, etc. Motion on behalf of the Russell Sage Foundation for leave to participate in the oral argument as *amicus curial* submitted by Mr. Sam A. Syme and the motion denied.

No. 233. Frederick T. Fleitmann, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Leave granted to file petition for rehearing on motion of Mr. Thomas J. Reilly in behalf of counsel for petitioner.

No. 54. Acel C. Alexander, Collector of Internal Revenue, petitioner, *v.* Cosden Pipe Line Company. Argument continued by Mr. Solicitor General Biggs for the petitioner, by Mr. R. H. Wills for the respondent, and concluded by Mr. Solicitor General Biggs for the petitioner.

No. 75. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Julia Butterworth et al. Argued by Mr. Erwin N. Griswold for the petitioner and by Mr. John Hampton Barnes for the respondent.

No. 76. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Fidelity-Philadelphia Trust Company, Trustee, etc. Argued by Mr. Erwin N. Griswold for the petitioner and by Mr. Robert T. McCracken for the respondent.

No. 77. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Frank Pardee et al., etc. Argued by Mr. Erwin N. Griswold for the petitioner, and case submitted by Mr. Ralph B. Evans for the respondent.

No. 78. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Title Guarantee Loan & Trust Company, as Trustee, etc. Argued by Mr. Erwin N. Griswold for the petitioner and by Mr. H. C. Kilpatrick for the respondent.

No. 394. John S. Funk, petitioner, *v.* The United States of America. Argument commenced by Mr. John W. Carter, Jr., for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, November 14, will be as follows: Nos. 394, 71 (and 95), 79, 80, 56, 101, 103, 114, 112, and 94.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Vincent L. Toomey, of Washington, D.C.; Daniel P. Galen, of Miami, Fla.; Thomas F. Fennell, of Elmira, N.Y.; Martin W. Meyer, of Washington, D.C.; William H. Leahy, of Framingham, Mass.; Charles P. Dorr, of Morgantown, W.Va.; Melvin L. Krulewitch, of New York City; Charles E. Moore, of Stamford, Conn.; Katherine M. Littell, of New Orleans, La.; Norman M. Littell, of Seattle, Wash.; Paul H. Burns, of New York City; and Marion B. Knight, of Blountstown, Fla., were admitted to practice.

No. 394. John F. Funk, petitioner, *v.* The United States. Argument continued by Mr. John W. Carter, Jr., for the petitioner, and concluded by Mr. Assistant Solicitor General MacLean for the respondent.

No. 71. Sarah Elizabeth Stringfellow, a Widow, petitioner, *v.* Atlantic Coast Line Railroad Company; and

No. 95. Atlantic Coast Line Railroad Company, petitioner, *v.* Sarah Elizabeth Stringfellow, a Widow, etc. Argued by Mr. William C. McLean for Sarah Elizabeth Stringfellow, etc., and by Mr. McKinney Barton for the Atlantic Coast Line Railroad Company.

No. 79. J. T. Trotter, Guardian, etc., petitioner, *v.* State of Tennessee, in its own behalf and for the use and benefit of Blount County. Argued by Mr. Russell R. Kramer for the petitioner and by Mr. Sam Johnson for the respondent.

No. 80. Louis H. May et al., petitioners, *v.* Hamburg-Amerikanische Aktien-Gesellschaft. Argument commenced by Mr. D. Roger Englar for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, November 15, will be as follows: Nos. 80, 541, 56, 101, 114, 103, 112, 94, 117, and 89.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

James W. Huffman, of Columbus, Ohio; Paul Carter, of Marianna, Fla.; Howe P. Cochran, of Washington, D.C.; Laurence H. Eldredge, of Philadelphia, Pa.; John L. Davies, of Columbus, Ohio; Frank C. Leslie, of Akron, Ohio; Charles C. Norris, Jr., of Philadelphia, Pa.; Florence M. Selander, of Minneapolis, Minn.; and Edward J. Fox, Jr., of Easton, Pa., were admitted to practice.

No. 80. Louis H. May et al., petitioner, *v.* Hamburg-Amerikanische Packetfahrt Aktien-Gesellschaft. Argument continued by Mr. D. Roger Englar for the petitioner, and concluded by Mr. John W. Griffin for the respondent.

No. 541. Seldon Glenn et al., Individually, etc., appellants, *v.* Field Packing Company. Argued by Mr. S. H. Brown for the appellants, and by Mr. William Marshall Bullitt for the appellee.

No. 56. Alaska Steamship Company, petitioner, *v.* The United States of America. Argued by Mr. Norman M. Littell for the petitioner, and by Mr. Assistant Solicitor General MacLean for the respondent.

No. 101. Laura Ormsby et al., Executors, etc., petitioners, *v.* Louise Chase, by Jesse Blythe et al. Argument commenced by Mr. C. Brewster Rhoads for the petitioner, and continued by Mr. Edward J. Fox for the respondents.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, November 16, will be as follows: Nos. 101, 114, 103, 89, 509, 112, 94, 117, 133, and 152.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Harry D. Reed, of Columbia, S.C.; Irving Reynolds, of New York City; Julian L. Hagen, of New York City; Robert E. Cullison, of Bartlesville, Okla.; Paul P. Massey, of Omaha, Nebr.; William A. Challenger, of Pittsburgh, Pa.; B. Wofford Wait, of Tampa, Fla.; J. Winfield Hendry, of Tampa, Fla.; Philip Lutz, Jr., of Indianapolis, Ind.; Herbert J. Patrick, of Tell City, Ind.; and Herbert K. Hyde, of Oklahoma City, Okla., were admitted to practice.

No. 101. Laura Ormsby and B. Rush Field, Executors, etc., petitioners, *v.* Louise Chase, by Jesse Blythe et al. Argument concluded by Mr. Edward J. Fox for the respondents.

No. 114. The State Corporation Commission for the State of Kansas et al., appellants, *v.* The Wichita Gas Company et al. Argument commenced by Mr. E. H. Hatcher for the appellants; continued by Mr. Robert D. Garver for the appellees, Wichita Gas Company et al.; by Mr. Charles D. Welch for the appellants; and concluded by Mr. J. W. Finley for the appellee, Cities Service Gas Company.

No. 103. Norumbega Company, appellant, *v.* John J. Bennett, Jr., as an individual, etc. Argument commenced by Mr. Bernhard Knollenberg for the appellant. The Court declined to hear further argument.

No. 112. Federal Land Bank of Columbia, S.C., petitioner, *v.* Mrs. Will Gaines. Argument commenced by Mr. Peyton R. Evans for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, November 17, will be as follows: Nos. 112, 94, 117, 89, 509, 133, 152, and 153.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Roberts, and Mr. Justice Cardozo.

Helen Louise Bowman, of Dayton, Ohio; C. Horace Tuttle, of New York City; Harold E. Wallace, of Salt Lake City, Utah; Thomas Gallagher, of Minneapolis, Minn.; and Thomas P. Mikell, of Philadelphia, Pa., were admitted to practice.

No. 153. Alvin F. Fix, Jr., Collector of Internal Revenue, etc., petitioner, *v.* Philadelphia Barge Company et al. Motion respecting substitution of petitioner submitted by Mr. Solicitor General Biggs for the petitioner.

No. 112. Federal Land Bank of Columbia, S.C., petitioner, *v.* Mrs. Will Gaines. Argument continued by Mr. M. R. McCown for the respondent, and concluded by Mr. Peyton R. Evans for the petitioner.

No. 94. M. D. Hicklin, Individually, etc., et al., appellants, *v.* J. C. Coney et al., etc. Argued by Mr. B. Wofford Wait for the appellants, and by Mr. Irvine F. Belser for the appellees.

No. 117. Hunter A. Gibbs, Representing himself, etc., appellant, *v.* Simpson J. Zimmerman, Individually, etc., et al. Argued by Mr. D. W. Robinson for the appellant, and by Mr. Irvine F. Belser for the appellees.

No. 152. Newton W. Lumbra, petitioner, *v.* The United States of America. Argued by Mr. Warren E. Miller for the petitioner, and by Mr. Will G. Beardslee for the respondent.

Adjourned until Monday, November 20, next at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Samuel F. Beach, of Washington, D.C.; Charles O. Bruce, of San Francisco, Calif.; Roswell W. Chandler, of Caldwell, N.J.; William I. Jones, of Omaha, Nebr.; Samuel P. Weaver, of Spokane, Wash.; and Albert Whiting Fox, of Washington, D.C., were admitted to practice.

No. 44. L. M. Dakin (Successor to A. M. Anderson), as Receiver of the First National Bank of St. Petersburg, petitioner, *v.* Taver Bayly, as Liquidator of the Peoples Bank of Clearwater. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Southern District of Florida for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Stone.

No. 8. Butte, Anaconda & Pacific Railway Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed, and cause remanded to the District Court of the United States for the District of Montana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

The Chief Justice announced the following orders of the Court:

No. 529. Ennis H. Coale, by Howard Cronin Coale, His Father and Next Friend, and Howard Cronin Coale, Individually, appellants, *v.* Raymond A. Pearson, President and Executive Head of the University of Maryland, et al., etc. Appeal from the Court of Appeals of the State of Maryland. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. *Equitable Life Assurance Society v. Brown*, 187 U.S. 308, 311; *Roe v. Kansas*, 278 U.S. 191; *American Baseball Club v. Philadelphia*, 290 U.S. —; *Atkin v. Kansas*, 191 U.S. 207, 222, 223; *Heim v. McCall*, 239 U. S. 175, 191; *Stephenson v. Binford*, 287 U.S. 251, 275, 276; *Waugh v. Mississippi University*, 237 U.S. 589, 596, 597; *United States v. MacIntosh*, 283 U.S. 605, 623, 624.

No. 562. John N. Lukens, appellant, *v.* The Commonwealth of Pennsylvania. Appeal from the Supreme Court of the State of Pennsylvania. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. *Wabash Railroad Co. v. Flannigan*, 192 U.S. 29; *Equitable Life Assurance Society v. Brown*, 187 U.S. 308, 311; *American Baseball Club v. Philadelphia*, 290 U.S. —; *State Board of Tax Commissioners v. Jackson*, 283 U.S. 527, 537; *Heisler v. Thomas Colliery Co.*, 260 U.S. 245, 255-257.

No. 569. Jefferson County, appellant, *v.* J. H. Hard, Jr., as State Comptroller of the State of Alabama, and S. R. Butler, as State Tax Commissioner of the State of Alabama. Appeal from the Supreme Court of the State of Alabama. *Per curiam*: The appeal herein is dismissed for the want of a substantial Federal question. (1) *Pawhuska v. Pawhuska Oil Co.*, 250 U.S. 394, 397-399; *Trenton v. New Jersey*, 262 U.S. 182, 188, 191, 192; *Chicago v. Chicago Rapid Transit Co.*, 284 U.S. 577, 578. (2) *Quong Ham Wah Co. v. Industrial Accident Commission*, 255 U.S. 445, 448, 449; *Knights of Pythias v. Meyer*, 265 U.S. 30, 32, 33; *American Railway Express Co. v. Royster Guano Co.*, 273 U.S. 274, 280; *Swiss Oil Corp. v. Shanks*, 273 U.S. 392, 411, 412.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 555. Mona Motor Oil Company, appellant, *v.* Ray E. Johnson, Treasurer of the State of Iowa, et al., In this case probable jurisdiction is noted.

No. 524. Peter Malavazos et al., petitioners, *v.* Irving Trust Company, Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted, and the case is assigned for argument immediately following Nos. 505 and 506, heretofore assigned for Monday, January 8 next.

No. 498. The Federal Land Bank of Berkeley, petitioner, *v.* Samuel S. Warner, et ux., et al. Petition for writ of certiorari to the Supreme Court of the State of Arizona granted.

No. 515. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Newport Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 526. Ebba Pagel et al., petitioners, *v.* Edward Pagel, as Administrator, etc., et al. Petition for writ of certiorari to the Supreme Court of the State of Minnesota granted.

No. 535. Grace Lewis Connell et al., petitioners, *v.* Eva S. Walker. Petition for writ of certiorari to the Supreme Court of the State of North Dakota granted.

No. 408. Elinor Jorgensen, petitioner, *v.* N. W. Thornberg. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 495. H. G. Ferguson, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 518. The United States of America, petitioner, *v.* Henry F. Norcott;

No. 519. The United States of America, petitioner, *v.* Harold D. Bennett;

No. 520. The United States of America, petitioner, *v.* Charles P. Packer, Jr.;

No. 521. The United States of America, petitioner, *v.* W. Scott Carroll; and

No. 522. The United States of America, petitioner, *v.* Leslie A. Needham. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 523. The Brown Shoe Company, petitioners, *v.* Henry A. Carns, as Trustee, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 528. Crucible Steel Casting Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 530. Myron H. Wells, Receiver in Involuntary Bankruptcy of Maier Brewing Company, Inc., petitioner, *v.* Frank L. Simons. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 532. Max Greenhut, Trustee in Bankruptcy of Morris Weiss, petitioner, *v.* The National Commercial Title and Mortgage Guaranty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 533. Max Greenhut, Trustee in Bankruptcy of Morris Weiss, petitioner, *v.* Associated Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 536. Arthur W. Altvater and Western Supplies Company, petitioners, *v.* Benjamin W. Freeman and The Louis G. Freeman Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 537. Edgar D. Rosenberg, Helen Rosenberg Kahn, et al., petitioners, *v.* John V. Lewis, Collector of Internal Revenue for the First District of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 540. Curtiss-Wright Flying Service, Inc., petitioner, *v.* Kathleen I. Glose, Widow of C. William Glose, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 543. The Delaware and Hudson Company et al., petitioners, *v.* Glens Falls Portland Cement Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 257. E. H. Ferree Company and Reece Shoe Machinery Company, petitioners, *v.* United Shoe Machinery Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed per stipulation of counsel.

Adjourned until Monday, December 4, at 12 o'clock.

The day call for Monday, December 4, will be as follows: Nos. 531, 434, 133, 124, 126, 128, 400, 129, 145, and 225.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Carlton S. Dargusch, of Columbus, Ohio; John D. Jenswold, of Duluth, Minn.; W. D. Jackson, of Little Rock, Ark.; Arthur Goldblatt, of Chicago, Ill.; M. E. Clinton, of Dallas, Tex.; Richard A. Werneke, of Terre Haute, Ind.; Jacob E. Yaffe, of Chicago, Ill.; Hosea V. Ferrell, of Marion, Ill.; Chas. G. Williams, of Columbus, Ohio; John Allen Hay, of Marion, Ill.; Robert Peacock, of Mount Holly, N.J.; Samuel D. Weissbuch, of Miami, Fla.; Isadore Topper, of Columbus, Ohio; Reese McCloskey, of Durango, Colo.; Orlin A. Weede, of Kansas City, Mo.; Geo. S. McCarthy, of Amarillo, Tex.; and Arthur E. Sutherland, Jr., of Rochester, N.Y., were admitted to practice.

No. 80. Louis H. May, Indemnity Insurance Company of North America, and Royal Indemnity Company, petitioners, *v.* Hamburg-Amerikanische Packetfahrt Aktien-Gesellschaft. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo. Dissenting: Mr. Justice McReynolds and Mr. Justice Butler.

No. 79. J. T. Trotter, Guardian of Joseph A. Leake, petitioner, *v.* State of Tennessee in its own behalf and for the use and benefit of Blount County, Tennessee. On writ of certiorari to the Supreme Court of the State of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice Cardozo.

No. 71. Sarah Elizabeth Stringfellow, a Widow, petitioner; *v.* Atlantic Coast Line Railroad Company; and

No. 95. Atlantic Coast Line Railroad Company, petitioner, *v.* Sarah Elizabeth Stringfellow, a Widow, and as Administratrix, etc. On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgments reversed and the cases remanded to the Circuit Court of Appeals with instructions to determine whether the evidence justified the direction of verdicts on the ground that the deceased husband's negligence was the sole

proximate cause of the collision, or required a submission of that question, and the question of concurrent negligence to the jury; and to enter judgments accordingly. Opinion by Mr. Justice Roberts.

No. 117. Hunter A. Gibbes, representing himself and all other depositors of the Central Union Bank of South Carolina, etc., appellant, *v.* Simpson J. Zimmerman, Individually and as Conservator of the Central Union Bank of South Carolina, et al. Appeal from the Supreme Court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Roberts.

No. 112. Federal Land Bank of Columbia, S.C., petitioner, *v.* Mrs. Will Gaines. On writ of certiorari to the Supreme Court of the State of North Carolina. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 56. Alaska Steamship Company, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed, and cause remanded to the District Court of the United States for the Western District of Washington for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 11. Central Kentucky Natural Gas Company, appellant, *v.* Railroad Commission of Kentucky, Moses R. Glenn, Oscar Vest, and James Hatcher, Members Constituting said Railroad Commission, et al. Appeal from the District Court of the United States for the Eastern District of Kentucky. Decree reversed with costs, and cause remanded to the said District Court with instructions to enter a decree in conformity with the opinion of this Court. Opinion by Mr. Justice Stone. Mr. Justice Sutherland took no part in the consideration or decision of this case.

No. 2. John Factor, petitioner, *v.* H. C. W. Laubenheimer, United States Marshal, and Godfrey Haggard, his Britannic Majesty's Consul General. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Stone. Dissenting opinion by Mr. Justice Butler in which Mr. Justice Brandeis and Mr. Justice Roberts join.

No. 12, original. State of New Jersey, plaintiff, *v.* The City of New York. Decree announced by Mr. Justice Butler.

No. 34. Keystone Driller Company, petitioner, *v.* General Excavator Company;

No. 35. Keystone Driller Company, petitioner, *v.* General Excavator Company;

No. 36. Keystone Driller Company, petitioner, *v.* The Osgood Company; and

No. 37. Keystone Driller Company, petitioner, *v.* The Osgood Company. On writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decrees affirmed with costs, and cases remanded to the District Court of the United States for the Northern District of Ohio. Opinion by Mr. Justice Butler.

No. 51. William Miller, Administrator of the Estates of Marcus Andlauer and Ellanore Andlauer, petitioner, *v.* Union Pacific Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Western District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 14. W. A. Yarborough, petitioner, *v.* Sadie Yarborough, by her guardian *ad litem*, R. D. Blowers. On writ of certiorari to the Supreme Court of the State of South Carolina. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brandeis. Dissenting opinion by Mr. Justice Stone in which Mr. Justice Cardozo concurs.

No. 26. Southern Railway Company, appellant, *v.* Commonwealth of Virginia at the relation of H. G. Shirley, State Highway Commissioner of Virginia. Appeal from the Supreme Court of Appeals of the State of Virginia. Judgment reversed with costs, and cause remanded to the said Supreme Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds. Dissenting: The Chief Justice, Mr. Justice Stone, and Mr. Justice Cardozo.

No. 16. Missouri State Life Insurance Company and Hartford Accident & Indemnity Company, petitioners, *v.* Jester Jones, Administrator of the Estate of Marion Johnson, deceased. On writ of certiorari to the Supreme Court of the State of Arkansas. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 10. Charles P. Bullard et al., petitioners, *v.* City of Cisco, Texas. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgments of the District Court of the United States for the Northern District of Texas and of the Circuit Court of Appeals reversed with costs, and cause remanded to

the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

No. 22. Johnson Oil Refining Company, appellant, *v.* The State of Oklahoma *ex rel.* C. E. Mitchell, County Attorney of Pawnee County, Oklahoma, et al.;

No. 23. Johnson Oil Refining Company, appellant, *v.* The State of Oklahoma *ex rel.* C. E. Mitchell, County Attorney of Pawnee County, Oklahoma, et al.; and

No. 24. Johnson Oil Refining Company, appellant, *v.* The State of Oklahoma *ex rel.* C. E. Mitchell, County Attorney of Pawnee County, Oklahoma, et al. Appeals from the Supreme Court of the State of Oklahoma. Judgments reversed with costs, and cases remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 72. Raymond J. Funkhouser and Elmer N. Funkhouser, doing business under the firm name and style of R. J. Funkhouser & Company, appellants, *v.* J. B. Preston Company, Inc. Appeal from the Supreme Court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes.

No. 94. M. D. Hicklin, Individually, etc., and Blalock Motor Express, Inc., appellants, *v.* J. C. Coney, Earle R. Ellerbe, Sam C. Blease, et al., etc. Appeal from the Supreme Court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes.

No. 541. Seldon Glenn, Pat Sullivan, and John B. Lewis, Individually and as Commissioners Constituting the State Tax Commission of Kentucky, and the State Tax Commission, appellants, *v.* Field Packing Company. Appeal from the District Court of the United States for the Western District of Kentucky. Decree modified as stated in the opinion, and as so modified affirmed with costs. *Per curiam* opinion announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 103. Norumbega Company, appellant, *v.* John J. Bennett, Jr., as an Individual and as Attorney General of the State of New York, et al. Appeal from the District Court of the United States for the Eastern District of New York. *Per curiam*: The decree of the District Court herein is reversed, and the cause is remanded to the District Court, as specially constituted, with directions to dismiss the bill of complaint for the want of jurisdiction, upon the ground that the allegations of the bill do not set forth a substantial Federal question. *Newburyport Water Co. v. Newburyport*, 193 U.S. 561,

576, 579; Levering & Guarigues Co. v. Morrin, 289 U.S. 103, 105; Ex parte: Poresky, 290 U.S. —, decided November 6, 1933.

No. 566. Danciger Oil & Refining Company of Texas and Petroleum Refractionating Corporation, appellants, v. Lon A. Smith et al. Appeal from the District Court of the United States for the Northern District of Texas. *Per curiam*: The motion of the appellant for leave to file statement as to jurisdiction is granted. On consideration of a stipulation of the parties that this cause has become moot and of a motion by the appellant to reverse the decree of the District Court and to remand the cause to that Court with directions to dismiss the bill as moot, it is ordered that the said motion be, and it is hereby, granted, and that the decree of the specially constituted District Court rendered in this case is reversed, and the cause is remanded to that Court with directions to dismiss the bill of complaint upon the ground that the cause is moot. *Brownlow v. Schwartz*, 261 U.S. 216; *Alejandrino v. Quezon*, 271 U.S. 528, 535, 536; U.S. *ex rel. Norwegian Nitrogen Products Co. v. Tariff Commission*, 274 U.S. 106, 112; *Railroad Commission of Texas v. MacMillan*, 287 U.S. 576; *Coyne v. Prouty*, 289 U.S. 704; *First Union Trust & Savings Bank v. Consumers Co.*, 290 U.S. —. All costs in this Court and in the court below are to be taxed against the appellant as stipulated.

No. 574. KFAB Broadcasting Company, appellant, v. C. A. Sorensen. Appeal from the Supreme Court of the State of Nebraska. *Per curiam*: The appeal herein is dismissed for the reason that the judgment of the State court sought here to be reviewed was based upon a non-Federal ground adequate to support it. *Cleveland v. Chamberlain*, 1 Black 419, 425, 426; *East Tennessee, etc., Railroad Company v. Southern Telegraph Co.*, 125 U.S. 695; *Mills v. Green*, 159 U.S. 651, 654; *Love v. Griffith*, 266 U.S. 32; *Live Oak Water Users Association v. Railroad Commission*, 269 U.S. 354, 359; *Gerard Trust Co. v. Ocean & Lake Realty Co.*, 286 U.S. 523; *Wagner v. Leenhouts*, 287 U.S. 571; *Real Estate Land Title & Trust Co. v. Springfield*, 287 U.S. 577.

No. 3, original. The State of Nevada, complainant, v. The Crown Willamette Paper Company. Pursuant to a stipulation filed in this Court by the parties to the above-entitled cause on November 22, 1933,

It is ordered that the bill of complaint herein be, and it is hereby, dismissed. This order is made subject to the agreement of the parties as set forth in the stipulation aforesaid, which, it is agreed, shall not operate as a retraxit; and this order is without prejudice to the right of the complainant, The State of Nevada, to renew this litigation in such form as it shall deem proper if it shall determine that

the provisions of the said stipulation, or of any prior stipulation recited and confirmed therein, has been or are being violated by the defendant.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 12, original. The State of New Jersey, complainant, *v.* The City of New York. An order is entered fixing the amount of compensation and allowing the expenses of the Special Master herein.

No. 589. A. Magnano Company, appellant, *v.* G. W. Hamilton as Attorney General, etc. In this case probable jurisdiction is noted.

No. 597. Robert J. McKnett, petitioner, *v.* St. Louis & San Francisco Railway Company. The motion for leave to proceed further herein *in forma pauperis* is granted. The petition for writ of certiorari to the Supreme Court of the State of Alabama is also granted.

No. 358. L. J. Bosworth, Receiver of the McCartney National Bank of Green Bay, Wisconsin, petitioner, *v.* Continental Illinois Bank and Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 547. New Colonial Ice Company, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 565. Ruth Loughran, petitioner, *v.* John Loughran et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 544. Z. & F. Assets Realization Corporation et al., petitioners, *v.* Richard W. Doerschuck et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 438. American Indemnity Company et al., petitioners, *v.* Hale County, Texas, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 534. Southern Pacific Company, petitioner, *v.* George Miller. Petition for writ of certiorari to the Supreme Court of the State of Utah denied.

No. 538. Southern Pacific Railroad Company, petitioner, *v.* Ambler Grain & Milling Company. Petition for writ of certiorari

to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 539. Allen Gasoline Company, petitioner, *v.* The Franklin Fire Insurance Company of Philadelphia. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 545. Charles A. Buckley, as Chamberlain of the City of New York, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 549. The Employers' Liability Assurance Corporation, Ltd., of London, England, Garnishee, et al., petitioners, *v.* Sarah Wadie Bodron. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 556. William B. Taylor and Curtis Kirk Taylor, doing business under the name of Taylor Bros., et al., etc., petitioners, *v.* Detroit Motor Appliance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 557. S. Mayner Wallace, petitioner, *v.* Ehrhardt W. Franz. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 554. Thomas A. O'Donnell, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 558. American Cigar Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 559. St. Joseph Loan & Trust Co., Individually, etc., *v.* The Studebaker Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 567. The Goodyear Tire & Rubber Company, Inc., petitioner, *v.* Jamaica Truck Tire Service, Inc., et al.; and

No. 568. Sears, Roebuck and Company, petitioners, *v.* Jamaica Truck Tire Service, Inc., et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 181. Grace Torrance Clark, Administratrix, etc., et al., petitioners, *v.* Helen Moffett et al. Motion for leave to file petition for rehearing submitted by Mr. Martin J. O'Donnell for the petitioner

in support of the motion, and by Mr. Orlin A. Weede for the respondent in opposition thereto.

No. 443. Fiorentino Yengo, petitioner, *v.* The United States of America. Motion for leave to file petition for rehearing submitted by Mr. Irving K. Baxter for the petitioner.

No. —, original. *Ex Parte*: Western Loan & Securities Company, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Geo. S. McCarthy for the petitioner.

No. —, original. *Ex Parte*: Ed. R. Mayer, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Geo. S. McCarthy for the petitioner.

No. 417. George L. Squier Manufacturing Company, petitioner, *v.* Manuel V. Domenech, Treasurer. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Dismissed on motion of counsel for the petitioner.

No. 524. Peter Malavazos, John Malavazos, et al., petitioners, *v.* Irving Trust Company, Trustee in Bankruptcy of Metropolitan Chain Stores, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Dismissed on motion of counsel for the petitioner.

No. 594. Lucas T. Harter, Receiver, etc., petitioner, *v.* Warrack Wallace, Trustee, et al.; and

No. 595. Lucas T. Harter, Receiver, etc., petitioner, *v.* Warrack Wallace, Trustee, et al. Motion to proceed on typewritten record submitted by Mr. Elmer T. Bell for the petitioner.

No. 535. Grace Lewis Connell et al., petitioners, *v.* Eva S. Walker. Submitted on briefs pursuant to Rule 25.

No. 531. Leo Nebbia, appellant, *v.* The People of the State of New York. Argument commenced by Mr. Arthur E. Sutherland, Jr., for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 5, will be as follows: Nos. 531, 434, 133, 124, 126, 128, 400, 129, 145, and 225.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Allan E. Smith, of Washington, D.C.; John D. Murphy, of Washington, D.C.; Sam Costen, of Memphis, Tenn.; Henry F. Driemeyer, of East Saint Louis, Ill.; Henry Jerome Gorin, of Seattle, Wash.; Joseph F. Mann, of New York City; J. C. Floyd, of Meridian, Miss.; Frank W. Kuehl, of Madison, Wis.; Thomas E. Sandidge, of Owensboro, Ky.; and DeWitt C. Chastain, of Butler, Mo., were admitted to practice.

No. —, original. Ex Parte: L. W. Baldwin and Guy A. Thompson, Trustees, et al., petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Robert H. Kelley for the petitioner.

No. **531**. Leo Nebbia, appellant, *v.* The People of the State of New York. Argued by Mr. Arthur E. Sutherland, Jr., for the appellant, and by Mr. Henry S. Manley for the appellee.

No. **434**. Ada L. Burroughs and James Cannon, Jr., petitioners, *v.* The United States of America. Argued by Mr. Robert H. McNeill for the petitioners, and by Mr. Solicitor General Biggs for the respondent.

No. **133**. R. H. Stearns Company, petitioner, *v.* The United States. Argument commenced by Mr. Howe P. Cochran for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 6th, will be as follows: Nos. **133**, **124**, **126**, **128**, **400**, **129**, **145**, **225**, **227** (**228** and **229**), and **153**.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Albion W. Knight, of Jacksonville, Fla.; Daniel Stubbs, of Lincoln, Nebr.; Howard O. Rogers, of Pittsburgh, Pa.; Sidney J. H. White, of Detroit, Mich.; Isadore Jack Politz, of Washington, D.C.; W. W. Pierce, of Jackson, Miss.; George Coffing Warner, Jr., of Washington, D.C.; Herbert A. Kuvin, of Newark, N.J.; and Horace H. Powers, of St. Albans, Vt., were admitted to practice.

No. 124. Missouri Pacific Railroad Company, Appellant, *v.* Hal Norwood, Attorney General of the State of Arkansas, et al. Harrell Harper, Prosecuting Attorney of the Twelfth Judicial District of Arkansas, and Alvin Stevens, Prosecuting Attorney for the Thirteenth Judicial District of Arkansas, substituted as parties appellee in place of Chester Holland and W. D. McKay, respectively, on motion of Mr. John C. Grover in that behalf.

No. 133. R. H. Stearns Company, petitioner, *v.* The United States. Argument commenced by Mr. Howe P. Cochran for the petitioner; continued by Mr. Erwin P. Griswold for the respondent; and concluded by Mr. James S. Y. Ivins for the petitioner.

No. 124. Missouri Pacific Railroad Company, appellant, *v.* Hal Norwood, Attorney General of the State of Arkansas, et al. Argued by Mr. Edward J. White for the appellant, and by Mr. Frank L. Mulholland for the appellees.

No. 126. Pigeon River Improvement, Slide & Boom Company, appellant, *v.* Charles W. Cox, Ltd. Argument commenced by Mr. John D. Jenswold for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 7, will be as follows: Nos. 126, 128, 400, 129, 145, 225, 227 (228 and 229), 203, 153, and 158.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Beauford H. Jester, of Corsicana, Tex., and Barry Gilbert, of Chicago, Ill., were admitted to practice.

No. 126. Pigeon River Improvement, Slide & Boom Company, appellant, *v.* Charles W. Cox, Ltd. Argument continued by Mr. Edward L. Boyle for the appellee, and concluded by Mr. John D. Jenswold for the appellant.

No. 128. The Texas & Pacific Railway Company, petitioner, *v.* S. O. Pottorff, Receiver, etc. Argument commenced by Mr. M. E. Clinton for the petitioner, continued by Mr. Henry S. Hackney and Mr. Thornton Hardie for the respondent, and concluded by Mr. M. E. Clinton for the petitioner.

No. 400. City of Marion, Illinois, et al., petitioners, *v.* Ben Sneed, as Receiver, etc. Argument commenced by Mr. Richard Mayer for the petitioners, and continued by Mr. William Catron Rigby for the petitioner, and by Mr. H. V. Ferrell for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 8, will be as follows: Nos. 400, 203, 129, 145, 225, 227 (228 and 229), 168, 153, 158, and 212.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

George I. Puhak, of Hazleton, Pa., and James S. Howie, of Los Angeles, Calif., were admitted to practice.

No. 400. City of Marion et al., petitioners, *v.* Ben Sneed, as Receiver, etc. Argument continued by Mr. H. V. Ferrell and by Mr. John Hay for the respondent, and concluded by Mr. Henry F. Driemeyer for the petitioners.

No. 203. P. F. Peterson Baking Company et al., appellants, *v.* Charles W. Bryan, as Governor, etc., et al. Argument commenced by Mr. Harold D. Le Mar for the appellants, continued by Mr. Paul F. Good for the appellees, and concluded by Mr. John C. Grover for the appellants.

No. 129. John Freuler, Administrator, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. Claude R. Branch and Mr. Felix T. Smith for the petitioner, and by Mr. Erwin N. Griswold for the respondent.

No. 145. Louise A. Whitcomb, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Submitted by Mr. Claude R. Branch, Mr. W. W. Spalding, Mr. Robert A. Littleton, and Mr. Felix T. Smith for the petitioner, and by Mr. Solicitor General Biggs, Mr. Erwin N. Griswold, Mr. Sewall Key, and Mr. John MacC. Hudson for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 11, will be as follows: Nos. 225, 227 (228 and 229), 168, 166, 338, 487, 153, 158, 212, and 187.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Emil Hersh, of Milwaukee, Wis.; Charles Gibbs, of San Angelo, Tex.; Harris O. Williams, of San Angelo, Tex.; George E. Flood, of Seattle, Wash.; and John A. Farber, of Omaha, Nebr., were admitted to practice.

No. 88. The United States of America, petitioner, *v.* Harry Murdock. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the Southern District of Illinois. Opinion by Mr. Justice Roberts. Dissenting: Mr. Justice Stone and Mr. Justice Cardozo.

No. 101. Laura Ormsby and B. Rush Field, Executors of the Estate of Frank G. Ormsby, Deceased, petitioners, *v.* Louise Chase, by Jesse Blythe, *Prochein Ami*, and Louise Chase, in her own right. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 394. John S. Funk, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Middle District of North Carolina for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Mr. Justice Cardozo concurs in the result. Mr. Justice McReynolds and Mr. Justice Butler are of opinion that the judgment of the court below is right and should be affirmed.

No. 75. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Julia Butterworth, Henry W. Butterworth, and Girard Trust Company, Trustees under the will of William B. Butterworth, deceased;

No. 76. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Fidelity-Philadelphia Trust Company, Trustee under the will of William L. DuBois, deceased;

No. 77. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Frank Pardee, Ario Pardee, and Girard Trust Company, Trustees under the will of Calvin Pardee. On writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit; and

No. 78. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Title Guarantee Loan & Trust Company, as Trustee of the Estate of J. H. Woodward. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgments in Nos. 75, 76, and 78 affirmed, and judgment in No. 77 reversed and the case remanded to the Circuit Court of Appeals for the Third Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds. Dissenting opinion in No. 77 by Mr. Chief Justice Hughes.

No. 162. The United States of America, appellant, *v.* Gregorio Chavez and Jose Maria Chavez. Appeal from the District Court of the United States for the District of New Mexico. Judgment reversed, and cause remanded to the District Court of the United States for the District of New Mexico for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter, announced by The Chief Justice.

The Chief Justice announced the following orders of the Court:

No. 124. Missouri Pacific Railroad Company, appellant, *v.* Hal Norwood, Attorney General of the State of Arkansas, et al. Appeal from the District Court of the United States for the Western District of Arkansas. *Per curiam*: The Court sees no reason to disagree with the determinations of fact reached by the District Court. The decree is affirmed.

No. 598. Isaac J. Rosenberg, appellant, *v.* The State of Wisconsin. Appeal from the Municipal Court of Milwaukee County, State of Wisconsin. *Per curiam*: The motion to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial Federal question. (1) *Meuller v. Illinois*, 289 U.S. 711; *Leach v. California*, 287 U.S. 579, 580; *Lavine v. California*, 286 U.S. 528; *Sproles v. Binford*, 286 U.S. 374, 393; *Bandini v. Superior Court*, 284 U.S. 8, 18; *Hygrade Provision Co. v. Sherman*, 266 U.S. 497, 501-503. (2) *Durland v. United States*, 161 U.S. 306, 315; *Husty v. United States*, 282 U.S. 694, 702. (3) *Portland Ry. Co. v. Oregon Railroad Commission*, 229 U.S. 397, 411, 412; *Pure Oil Co. v. Minnesota*, 248 U.S. 158, 164; *Aetna Life Ins. Co. v. Dunken*, 266 U.S. 389, 394.

No. 600. People of the State of New York on relation of Northern Finance Corporation, appellant, *v.* Thomas M. Lynch, John J. Merrill, and Mark Graves, as Tax Commissioners of the State of New York; and

No. 601. People of the State of New York on relation of Northern Finance Corporation, appellant, *v.* Thomas M. Lynch, John J. Merrill, and Mark Graves, as Tax Commissioners of the State of New York. Appeals from the Supreme Court, County of Albany, State of New York. *Per curiam*: The motion to dismiss the appeals herein is denied. The motion to affirm is granted, and the judgments are affirmed. *Pacific Co., Ltd., v. Johnson*, 285 U.S. 480, 490.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. *Ex parte*: L. W. Baldwin and Guy A. Thompson, Trustees, et al., petitioners. The motion for leave to file petition for writ of mandamus herein is granted and a rule to show cause is ordered to issue returnable on Monday, January 8 next.

No. —, original. *Ex parte*: Western Loan & Securities Company, petitioner; and

No. —, original. *Ex parte*: Ed. R. Mayer, petitioner. Motions for leave to file petitions for writs of mandamus in these causes are denied. *Ex parte*: United States, 287 U.S. 241, 248.

No. 594. Lucas T. Harter, Receiver, etc., petitioner, *v.* Warrack Wallace, Trustee, etc., and

No. 595. Lucas T. Harter, Receiver, etc., petitioner, *v.* Warrack Wallace, Trustee, etc. Motion for leave to proceed on typewritten record granted.

No. 181. Grace Torrance Clark, Administratrix, etc., et al., petitioners, *v.* Helen Moffett et al. Motion for leave to file petition for rehearing denied.

No. 551. Wald Transfer & Storage Company, appellant, *v.* Lon A. Smith et al.; and

No. 552. D. A. Beard, appellant, *v.* Lon A. Smith et al. Upon consideration of the petitions for rehearing, the decrees entered herein by this Court on November 13, 1933, are amended so as to provide that the decrees entered in these causes by the District Court, as specially constituted, be modified by providing that the appellants may apply at any time to the District Court, by bill or otherwise, as they may be advised, for a further order or decree, in case it shall appear that the state court shall have construed the applicable state statute as not authorizing the state commission to enter the orders challenged in this proceeding (*Glenn v. Field Packing Co.*, 290

U.S. —, decided December 4, 1933). As so modified, the decrees of the District Court are affirmed. *Bradley v. Public Utility Commission*, 289 U.S. 92, 95-98. The petitions for rehearing are denied.

No. 363. *The Arrow-Hart & Hegeman Electric Company*, petitioner, *v. Federal Trade Commission*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 561. *International Milling Company*, petitioner, *v. Columbia Transportation Company*. Petition for writ of certiorari to the Supreme Court of the State of Minnesota granted.

No. 575. *John L. Gilvary*, petitioner, *v. Cuyahoga Valley Railway Company*. Petition for writ of certiorari to the Supreme Court of the State of Ohio granted.

No. 578. *Alice Aschenbrenner*, petitioner, *v. United States Fidelity & Guaranty Company*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 580. *Elias A. Olson*, petitioner, *v. The United States of America*;

No. 581. *Randor G. Karlson*, petitioner, *v. The United States of America*; and

No. 582. *Harry Brewster*, petitioner, *v. The United States of America*. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit granted.

No. 396. *Boston Safe Deposit and Trust Company et al.*, petitioners, *v. Guy T. Helvering*, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 553. *Frank Giannini*, petitioner, *v. M. W. Brashears*. Petition for writ of certiorari to the District Court of Appeals, 4th Appellate District, State of California, denied.

No. 564. *Ashby Turner*, Trustee of *Bastanchury Corporation, Ltd.*, petitioner, *v. John Deere Plow Company of Moline*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 570. *Clarence W. Morris*, petitioner, *v. Harry L. Hussman and Caroline Hussman*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 572. *Bisbee Linseed Company*, petitioner, *v. Paragon Paint & Varnish Corporation*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 573. *The Missouri Pacific Railroad Company*, petitioner, *v. G. M. Alcorn*. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 577. Ralph L. Peck, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 583. Ida K. Hoefler, petitioner, *v.* Atlantic Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 592. The Atchison & Eastern Bridge Company, petitioner, *v.* Charles F. Clark. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

The Chief Justice also announced the following order :

ORDER

The Court will take a recess from Monday, December 18, to Monday, January 8 next.

No. 2, original. The State of Vermont, complainant, *v.* The State of New Hampshire. Stipulation of the parties designating parts of boundary to be marked presented.

No. 225. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Otto H. Falk et al., Executors, etc. Argued by Mr. Erwin N. Griswold for the petitioner, and by Mr. Charles F. Fawcett for the respondents.

No. 227. Marshall S. Reynolds, Individually, etc., petitioner, *v.* Richard F. Cooper;

No. 228. Marshall S. Reynolds, Individually, etc., petitioner, *v.* Barbara V. Cooper; and

No. 229. Marshall S. Reynolds, Individually, etc., petitioner, *v.* Richard F. Cooper et al. Argued by Mr. Erwin N. Griswold for the petitioner, and by Mr. N. E. Corthell for the respondents.

No. 168. J. M. Jannett and J. A. Skipper, appellants, *v.* Dan Hardie, as Sheriff, etc. Argument commenced by Mr. John M. Murrell for the appellants. The Court declined to hear further argument.

No. 166. Federal Compress & Warehouse Company et al., appellants, *v.* E. R. McLean, Sheriff and Tax Collector, et al. Argument commenced by Mr. Garner W. Green for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, December 12, will be as follows: Nos. 166, 338, 487, 153, 158, 212, 187, 163, 200, and 240.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

William L. Curtis, of Fort Smith, Ark.; H. D. Moreland, of Claremont, Okla.; Arthur B. Dunne, of San Francisco, Calif.; and Albert C. Reed, of Washington, D.C., were admitted to practice.

No. 163. Northwestern Pacific Railroad Company, petitioner, *v.* Josephine Bobo, as Administratrix, etc. Submitted by Mr. W. H. Orrick for the petitioner, and by Mr. Robert B. Duke for the respondent.

No. 166. Federal Compress & Warehouse Company et al., appellants, *v.* E. R. McLean, Sheriff and Tax Collector, et al. Argument continued by Mr. Garner W. Green for the appellants, and concluded by Mr. W. W. Pierce for the appellees.

No. 338. Conrad Wolfe, petitioner, *v.* The United States of America. Argued by Mr. George E. Flood for the petitioner, and by Mr. Assistant Solicitor General MacLean for the respondent.

No. 487. George Morrison and H. Doi, appellants, *v.* The People of the State of California. Argument commenced by Mr. J. Marion Wright for the appellants, and continued by Mr. James S. Howie for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, December 13 will be as follows: Nos. 487, 153, 158 (and 212), 187, 200, 208, 240, 171, 329, and 196.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Maurice E. Purnell, of Dallas, Tex., and David S. Day, of Bridgeport, Conn., were admitted to practice.

No. 487. George Morrison and H. Doi, appellants, *v.* The People of the State of California. Argument continued by Mr. James S. Howie for the appellee, and concluded by Mr. J. Marion Wright for the appellants.

No. 153. Alvin F. Fix, Collector of Internal Revenue, etc., petitioner, *v.* Philadelphia Barge Company et al. Argued by Mr. Solicitor General Biggs for the petitioner, and by Mr. Thomas P. Mikell for the respondents.

No. 158. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Charles J. Canfield; and

No. 212. William R. Thorsen, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. H. Brian Holland for the petitioner in No. 158 and respondent in No. 212, and by Mr. Edwin H. Cassels for the respondent in No. 158 and the petitioner in No. 212.

No. 187. Arthur M. Brown, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argument commenced by Mr. Arthur B. Dunne for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, December 14, will be as follows: Nos. 187, 200, 208, 240, 171, 329, 196, 178, 224, 274, and 293.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

L. W. Powers, of Denison, Iowa; Stanley K. Henshaw, of Cincinnati, Ohio; Wallace Haynes Walker, of Cambridge, Mass.; William A. Sherwin, of Los Angeles, Calif.; Samuel Biern, of Huntington, W.Va.; Albert E. James, of Washington, D.C.; Gordon A. Block, of Philadelphia, Pa.; Hermon J. Wells, of New Haven, Conn.; Carl McFarland, of Helena, Mont.; and Theodore Hale, of San Francisco, Calif., were admitted to practice.

No. 187. Arthur M. Brown, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argument continued by Mr. Arthur B. Dunne for the petitioner and concluded by Mr. Solicitor General Biggs for the respondent.

No. 200. Missouri Pacific Railroad Company, petitioner, *v.* Hartley Brothers, a Co-partnership, etc. Argued by Mr. Wm. L. Curtis for the petitioner and by Mr. H. D. Moreland for the respondent.

No. 208. Nannie May Williams, petitioner, *v.* The Union Central Life Insurance Company. Argued by Mr. Harris O. Williams for the petitioner and by Mr. Eugene P. Locke for the respondent.

No. 240. Federal Trade Commission, petitioner, *v.* Algoma Lumber Company et al. Argument commenced by Mr. Assistant Attorney General Stephens for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, December 15, will be as follows: Nos. 240, 171, 329, and 196.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Harry Thomas Burn, of Sweetwater, Tenn.; Robert G. Gordon, of Louisville, Ky.; Golden W. Bell, of San Francisco, Calif.; Ashley Sellers, of Austin, Tex.; and J. Bernays Lowrey, of San Antonio, Tex., were admitted to practice.

No. 659. The United States of America, appellant, *v.* Claude Chambers and Byrum Gibson. Motion to advance submitted by Mr. Solicitor General Biggs for the appellant.

No. 240. Federal Trade Commission, petitioner, *v.* Algoma Lumber Company et al. Argument continued by Mr. Assistant Attorney General Stephens for the petitioner; by Mr. Allan P. Matthew for the respondent; and concluded by Mr. Assistant Attorney General Stephens for the petitioner.

No. 171. The United States, petitioner, *v.* Jefferson Electric Manufacturing Company. Argued by Mr. Assistant Attorney General Wideman for the petitioner, and by Mr. Newton K. Fox for the respondent.

No. 329. C. F. Routzahn, Collector of Internal Revenue, etc., petitioner, *v.* Willard Storage Battery Company. Argument commenced by Mr. Assistant Attorney General Wideman for the petitioner, and continued by Mr. Charles C. Norris, Jr., for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 18, will be as follows: Nos. 329 and 196.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Robert H. Dunlap, of Los Angeles, Calif.; Harold A. Elliott, of Phoenix, Ariz.; Leon Edelson, of Philadelphia, Pa.; T. Jack Foster, of Norman, Okla.; Charles A. Houston, of New York City; Edwin M. Otterbourg, of New York City; and George J. Rosenthal, of Miami, Fla., were admitted to practice.

The Chief Justice announced the following orders of the Court:
No. 168. *J. M. Jannett and J. A. Skipper, appellants, v. Dan Hardie, as Sheriff of Dade County, Florida, etc.* Appeal from the Supreme Court of the State of Florida. *Per curiam:* The Supreme Court of Florida entertained on rehearing and decided the constitutional question as to the denial of the equal protection of the laws under the Fourteenth Amendment. The judgment is affirmed. *Missouri v. Lewis*, 101 U.S. 22, 30, 31; *Hayes v. Missouri*, 120 U.S. 68, 71, 72; *Budd v. New York*, 143 U.S. 517, 548; *Griffith v. Connecticut*, 218 U.S. 563; *Engel v. O'Malley*, 219 U.S. 128, 137, 138; *Mutual Loan Co. v. Martell*, 222 U.S. 225, 235, 236; *Toyota v. Hawaii*, 226 U.S. 184, 191, 192; *Northwestern Laundry Co. v. Des Moines*, 239 U.S. 486, 495; *Packard v. Banton*, 264 U.S. 140, 143, 144; *Radice v. New York*, 264 U.S. 292, 296; *Dillingham v. McLaughlin*, 264 U.S. 370; *Ohio v. Akron Park District*, 281 U.S. 74, 81.

No. 613. *Lida M. Ross, appellant, v. Dancy Fort, Commissioner of Finance and Taxation of the State of Tennessee.* Appeal from the Supreme Court of the State of Tennessee. *Per curiam:* The appeal herein is dismissed for the want of a substantial Federal question. (1) *Maguire v. Trefry*, 253 U.S. 12; (2) *Klein v. Board of Supervisors*, 282 U.S. 19, 22-24; *Magoun v. Illinois Trust & Savings Bank*, 170 U.S. 283, 298, 299; *Keeney v. New York*, 222 U.S. 525, 535, 536; *Standard Stock Food Co. v. Wright*, 225 U.S. 540, 550.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk, and will not be announced orally."

No. —, original. Ex parte: Benjamin A. Boyce, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. —, original. Ex parte: R. F. Dasher, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

No. 308. Maxine Murray, on her own behalf and as Guardian, etc., petitioner, *v.* Joe Gerrick & Company et al. Motion to dismiss denied.

No. 659. The United States of America, appellant, *v.* Claude Chambers and Byrum Gibson. In this case probable jurisdiction is noted. The motion to advance is granted and the case is assigned for argument on Monday, January 15 next, after the cases heretofore assigned for that day.

No. 608. The Columbus Gas and Fuel Company, appellant, *v.* The Public Utilities Commission of Ohio et al.; and

No. 609. The Dayton Power and Light Company, appellant, *v.* The Public Utilities Commission of Ohio. In these cases probable jurisdiction is noted.

No. 588. M. C. Hinderlider, as State Engineer, etc., et al., appellants, *v.* The La Plata River et al. Further consideration of the question of the jurisdiction of this Court in this case and of the motion to dismiss is postponed to the hearing of the case on the merits.

No. 656. Wilbur F. Booth *v.* The United States; and

No. 657. Charles F. Amidon *v.* The United States. It is ordered that these cases be advanced and assigned for argument on Monday, January 15 next, after the cases heretofore assigned for that day.

No. 576. United States of America ex rel. Frank or Franjo Boric or Borich, petitioner, *v.* William H. Marshall, District Director of Immigration. The petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. It is ordered that the original Department of Labor File, with the exhibits contained therein or attached thereto, offered in the deportation proceedings, which was presented to the Circuit Court of Appeals upon the appeal of this cause to that court, pursuant to the stipulation of the parties herein appearing in the record, and dated June 19, 1933, be certified to this Court for consideration on this writ of certiorari along with the usual transcript of record, as provided in Rule 10, paragraph 4, of the rules of this Court.

No. 106. W. D. Sanders, petitioner, *v.* Armour Fertilizer Works et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 579. Charles Ilfeld Company, petitioner, *v.* B. C. Hernandez, Collector of Internal Revenue, etc. Petition for writ of certiorari to

the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 585. John Pokora, petitioner, *v.* The Wabash Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 584. Maryland Casualty Company, petitioner, *v.* Board of Water Commissioners of the City of Dunkirk et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 587. John Speroni and T. J. Costello, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 591. Harriet Hosey et al., petitioners, *v.* Mid-Continent Petroleum Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 610. American-Hawaiian Steamship Company, petitioner, *v.* Hans Musaus. Petition for writ of certiorari to the Supreme Court of New York, Kings County, denied.

No. —, original. Ex parte: C. Wilbur Miller and Ernest B. Miller, petitioners. Motion for leave to file petition for writ of mandamus submitted by Mr. Wm. Burnet Wright for the petitioners.

No. —, original. The Principality of Monaco, plaintiff, *v.* The State of Mississippi. Motion for leave to file declaration submitted by Mr. Ethelbert Warfield for the plaintiff.

No. 329. C. F. Routzahn, Collector of Internal Revenue, etc., petitioner, *v.* Willard Storage Battery Company. Argument continued by Mr. Charles C. Norris, Jr., for the respondent, and concluded by Mr. Assistant Attorney General Wideman for the petitioner.

No. 196. American Chain Company, Inc., petitioner, *v.* Robert O. Eaton, Collector, etc. Argued by Mr. David S. Day and Mr. Chester I. Long for the petitioner, and by Mr. Assistant Attorney General Wideman for the respondent.

Adjourned until Monday, January 8, 1934, at 12 o'clock.

The day call for Monday, January 8, will be as follows: Nos. —, original. *Alabama v. Arizona*, 13 original, 505 (and 506), 173, 178, 194, 224, 239, 274, and 347.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Arthur M. Moritz, of New York City; Fabian R. Tenebro, of Angola, Ind.; Edward Davidson, of Youngstown, Ohio; Francis J. Sullivan, of New York City; Alanson W. Willcox, of New York City; Paul E. Lockwood, of New York City; William S. Evatt, of Columbus, Ohio; Bailey P. Wootton, of Hazard, Ky.; John C. Goins, of Chattanooga, Tenn.; A. W. Little, of Cushing, Okla.; Raymond T. Nagle, of Helena, Mont.; Joseph G. Hirschberg, of Madison, Wis.; A. J. Bieberstein, of Madison, Wis.; Hester W. Webb, of San Francisco, Calif.; R. F. Baynes, of New Madrid, Mo.; S. J. Berton, of Cushing, Okla.; and Joseph D. Mitchell, of Pawhuska, Okla., were admitted to practice.

No. 133. R. H. Stearns Company, Boston, Massachusetts, petitioner *v.* The United States. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Cardozo. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 240. Federal Trade Commission, petitioner, *v.* Algoma Lumber Company, Big Lakes Box Company, California Fruit Exchange et al. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree reversed and case remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 487. George Morrison and H. Doi, appellants, *v.* The People of the State of California. Appeal from the Supreme Court of the State of California. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 241. Herman Snyder, petitioner, *v.* Commonwealth of Massachusetts. On writ of certiorari to the Superior Court in and for the

County of Middlesex, Commonwealth of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Cardozo. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Brandeis, Mr. Justice Sutherland, and Mr. Justice Butler concur.

No. 84. City Bank Farmers Trust Company, Executor under the will of Thomas B. Clarke, Deceased, appellant, *v.* William A. Schnader, Attorney General of the Commonwealth of Pennsylvania, and Leon D. Metzger, Secretary of Revenue of the Commonwealth of Pennsylvania. Appeal from the District Court of the United States for the Eastern District of Pennsylvania. Decree reversed with costs and cause remanded to said District Court with instructions to reinstate the bill and proceed to a hearing upon the merits. Opinion by Mr. Justice Roberts.

No. 129. John Freuler, Administrator of the Estate of Louise P. V. Whitcomb, deceased, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed, and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Cardozo in which Mr. Justice Brandeis, and Mr. Justice Stone join.

No. 145. Louise A. Whitcomb, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment reversed, and cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo dissent.

No. 535. Grace Lewis Connell, Myrle C. Adams, and Mary Adams, petitioners, *v.* Eva S. Walker. On writ of certiorari to the Supreme Court of the State of North Dakota. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 338. Conrad Wolfle, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the Western District of Washington. Opinion by Mr. Justice Stone.

No. 166. Federal Compress & Warehouse Company and New Amsterdam Casualty Company of New York, appellants, *v.* E. R. McLean, Sheriff and Tax Collector, et al. Appeal from the Supreme Court of the State of Mississippi. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 152. Newton W. Lumbra, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the District of Vermont. Opinion by Mr. Justice Butler.

No. 114. The State Corporation Commission for the State of Kansas, Homer Hoch, Jesse W. Greenleaf, et al., appellants, *v.* The Wichita Gas Company, The Hutchinson Gas Company, The Newton Gas Company, et al. Appeal from the District Court of the United States for the District of Kansas. Decree modified and as modified, affirmed with costs and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 203. P. F. Petersen Baking Company, Schulze Baking Company, Continental Baking Company, et al., appellants, *v.* Charles W. Bryan, as Governor of the State of Nebraska, et al. Appeal from the Supreme Court of the State of Nebraska. Decree affirmed with costs. Opinion by Mr. Justice Butler.

No. 200. Missouri Pacific Railroad Company, a corporation, petitioner, *v.* Hartley Brothers, a Copartnership Composed of F. M. Hartley and T. H. Hartley. On writ of certiorari to the Supreme Court of the State of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 153. Alvin F. Fix, Collector of Internal Revenue for the First Collection District of Pennsylvania, petitioner, *v.* Philadelphia Barge Company and National Surety Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 434. Ada L. Burroughs and James Cannon, Jr., petitioners, *v.* The United States of America. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment affirmed in respect of the ninth and tenth counts of the indictment only, and the cause remanded to the Supreme Court of the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Separate opinion by Mr. Justice McReynolds.

No. 62. First National Bank of Cincinnati and International Heater Company, petitioners, *v.* Rudolph B. Flershem, Charles O. Cornell, John H. Waters, et al., etc.;

No. 63. First National Bank of Cincinnati and International Heater Company, petitioners, *v.* Rudolph B. Flershem, Charles O. Cornell, John H. Waters, et al., etc.;

No. 64. Amy Arzt and Josephine Ramsey, petitioners, *v.* Rudolph B. Flershem, Charles O. Cornell, John H. Waters, et al., etc.; and

No. 65. Lily Clapier, petitioner, *v.* Rudolph B. Flershem, Charles O. Cornell, John H. Waters, et al., etc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. In Nos. 62, 63, and 64, decree reversed as to petitioners with costs. In No. 65, decree modified, and as modified affirmed with costs. Cases remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 163. Northwestern Pacific Railroad Company, petitioner, *v.* Josephine Bobo, as Administratrix of the Estate of Perry E. Bobo, deceased. On writ of certiorari to the District Court of Appeal of the State of California, First Appellate District, Division One. Judgment reversed with costs and cause remanded to the said District Court of Appeal for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 54. Accl C. Alexander, Collector of Internal Revenue, petitioner, *v.* Cosden Pipe Line Company. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgments of the District Court and of the Circuit Court of Appeals reversed with costs as to the first and second claims and the cause remanded to the District Court of the United States for the Western District of Oklahoma with directions to render judgment on the findings as to these claims in conformity with the views expressed in the opinion of the court and to respect the decision of the Circuit Court of Appeals on the third and fourth claims and the remittitur given thereunder. Opinion by Mr. Justice Van Devanter.

No. 370. Home Building and Loan Association, appellant, *v.* John H. Blaisdell and Rosella Blaisdell, his wife. Appeal from the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes. Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice Van Devanter, Mr. Justice McReynolds, and Mr. Justice Butler concur.

The Chief Justice announced the following orders of the Court:

No. 602. Charles R. Archerd, appellant, *v.* The State of Oregon. Appeal from the Supreme Court of the State of Oregon. *Per cu-*

riam: The appeal herein is dismissed (1) for the want of a properly presented Federal question. *Godchaux v. Estopinal*, 251 U.S. 179; *Rooker v. Fidelity Trust Co.*, 251 U.S. 114, 117; *Live Oak Water Users Association v. Railroad Comm'n*, 269 U.S. 354, 357, 358; (2) for the want of a reviewable judgment by the highest court of the State in which a decision could have been had. *John v. Paullin*, 231 U.S. 583, 587; *Newman v. Gates*, 204 U.S. 89, 95; *Chesapeake & Ohio Ry. Co. v. McDonald*, 214 U.S. 101; *Harrington v. Holler*, 111 U.S. 796; and (3) for the want of a substantial Federal question, *Equitable Life Assurance Society v. Brown*, 187 U.S. 300, 311; *Wabash R.R. Co. v. Flannigan*, 192 U.S. 29; *Roe v. Kansas*, 278 U.S. 191.

No. 665. Charles Agles, appellant, *v. Stolze Lumber Company*. Appeal from the Supreme Court of the State of Illinois. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is hereby dismissed for the want of jurisdiction. Sec. 237 (a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as an application for writ of certiorari as required by Sec. 237 (c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 664. Della Schmeling, appellant, *v. The F. W. Woolworth Company*. Appeal from the Supreme Court of the State of Kansas. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial federal question. *New York Central R.R. Co. v. White*, 243 U.S. 188; *Mountain Timber Co. v. Washington*, 243 U.S. 219; *Lower Vein Co. v. Industrial Board*, 255 U.S. 144; *Madera Sugar Pine Co. v. Industrial Commission*, 262 U.S. 499; *Castillo v. McConnico*, 168 U.S. 674, 683; *McDonald v. Oregon Navigation Co.*, 233 U.S. 665, 669, 670; *Hebert v. Louisiana*, 272 U.S. 312, 316, 317; *Glenn v. Doyal*, 285 U.S. 526.

No. 2, original. *The State of Vermont v. The State of New Hampshire*. Decree entered.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the clerk and will not be announced orally."

No. —, original. *Ex parte*: W. Wilbur Miller, et al., petitioners. The motion for leave to file petition for writ of mandamus or prohibition is denied. *Ex parte*: United States, 287 U.S. 241, 248, 249.

No. —, original. *Ex parte*: Rocco Di Pippa, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —, original. Principality of Monaco, plaintiff, *v.* The State of Mississippi. A rule is ordered to issue, returnable on Monday, February 5 next, requiring the defendant to show cause why the motion for leave to file the declaration herein should not be granted.

No. 675. Fred Poffenbarger, petitioner, *v.* A. C. Aderhold, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 677. James Davis, petitioner, *v.* T. P. Hollowell, Warden, etc. On petition for writ of certiorari to the Supreme Court of the State of Iowa. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 651. J. B. Gully, State Tax Collector, et al., appellants, *v.* Interstate Natural Gas Company. In this case probable jurisdiction is noted.

No. 650. Hartford Accident & Indemnity Company et al., appellants, *v.* Delta & Pine Land Company; and

No. 627. F. J. Utley and D. T. Utley, appellants, *v.* City of St. Petersburg, Florida. Further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

No. 635. William J. McGarrity, Administrator C. T. A., etc., appellant, *v.* Delaware River Bridge Commission et al. Further consideration of the question of the jurisdiction of this Court in this case and of the motion to dismiss is postponed to the hearing of the case on the merits.

No. 619. Radio Corporation of America, American Telephone and Telegraph Company, et al., petitioners, *v.* Radio Engineering Laboratories, Inc. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. The Chief Justice took no part in the consideration or decision of this application.

No. 611. Electric Cable Joint Company, petitioner, *v.* Brooklyn Edison Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 614. Chris Larsen, petitioner, *v.* Northland Transportation Company, Charterer, etc. Petition for writ of certiorari to the

United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 590. Philadelphia Fire & Marine Insurance Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 622. Cable Radio Tube Corporation, petitioner, *v.* Radio Corporation of America et al.; and

No. 623. Cable Radio Tube Corporation, petitioner, *v.* Radio Corporation of America et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 571. E. L. Junod, petitioner, *v.* Court Smith, Warden, etc. Petitioner for writ of certiorari to the Supreme Court of the State of California denied.

No. 593. Langdon Cheves et al., petitioners, *v.* E. B. Whitehead, as United States Game Protector. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 596. State Consolidated Oil Company, petitioner, *v.* Guy T. Helvering, as Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 599. Children's Home Society of West Virginia, petitioner, *v.* James M. Swan, Receiver of the Union National Bank of Fairmont, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 603. Standard Dredging Company and National Dredging Company, petitioners, *v.* Julius Kristiansen. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 604. John D. Roney, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 605. Morris Schapiro, petitioner, *v.* Guy T. Helvering Commissioner of Internal Revenue. Petitioner for writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 612. Highway Engineering & Construction Company, Inc., petitioner, *v.* Hillsborough County, Florida. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 607. James S. Darcy, Archibald B. Gwathmey, et al., Executors, etc., *v.* Commissioner of Internal Revenue. Petition for

writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 615. Gabriel Vigorito, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 620. Frank X. Pfaffinger, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 621. Mutual Lumber Company, petitioner, *v.* Burns Poe, Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 624. Elijah W. Jamerson and Otto F. Leman, petitioners, *v.* The United States of America. Petitioner for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 628. Standard Oil Company of Indiana, petitioner, *v.* The City of Sedalia, at the relation and to the use of George Bauman :

No. 629. Shell Petroleum Corporation, petitioner, *v.* The City of Sedalia, at the relation and to the use of George Bauman :

No. 630. Skelly Oil Company, petitioner, *v.* The City of Sedalia, at the relation and to the use of George Bauman ;

No. 631. Sinclair Refining Company, petitioner, *v.* The City of Sedalia, at the relation and to the use of George Bauman ;

No. 632. White Eagle Oil and Refining Company, et al., petitioners, *v.* the City of Sedalia, at the relation and to the use of George Bauman ;

No. 633. Mid-Continent Petroleum Corporation, petitioner, *v.* The City of Sedalia, at the relation and to the use of George Bauman ; and

No. 634. National Refining Company, petitioner, *v.* The City of Sedalia, at the relation and to the use of George Bauman. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 5, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al. ;

No. 7, original. The State of Michigan et al., complainants, *v.* The State of Illinois et al. ; and

No. 8, original. The State of New York et al., complainants, *v.* The State of Illinois et al. Semiannual report of the defendant Sanitary District of Chicago dated January 1, 1934, presented.

No. 18, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of Arkansas. Motion of defendant for additional time within which to file answer submitted by Mr. Hal L. Norwood and Mr. Walter L. Pope for the defendant.

No. 19, original. *Ex parte*: L. W. Baldwin, et al., petitioners. Return to rule to show cause presented.

No. 576. United States of America, *ex rel.* Frank or Franjo Boric or Borich, petitioner, *v.* William H. Marshall, District Director of Immigration. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Dismissed on motion of counsel for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 9, will be as follows: Nos. —, original, Alabama *v.* Arizona, 13 original, 505 (and 506), 173, 178, 194, 224, 239, 274, and 347.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Floyd F. Toomey, of Seattle, Wash.; Bernard A. Schroeder, of Chicago, Ill.; Thos. Gibson Hobbs, of Lynchburg, Va.; Alfred Petsch, of Fredericksburg, Tex.; Charles H. Brown, of New York City; Wm. F. Way, of St. Petersburg, Fla.; Miles Ventress, of Miami, Fla.; and Albert E. Lewis, of Boston, Mass., were admitted to practice.

No. —, original. State of Alabama, complainant, *v.* State of Arizona et al. Argued on the Rules and Returns by Mr. William Logan Martin for the complainant, and by Mr. William A. Schnader and Mr. Raymond T. Nagle for the defendants. Motion to amend bill of complaint submitted by Mr. William Logan Martin for the complainant.

No. 13, original. State of New Jersey, complainant, *v.* State of Delaware. Four hours allowed for oral argument. Argument on the exceptions to the Report of the Special Master commenced by Mr. Duane E. Minard for the complainant and continued by Mr. George S. Hobart for the complainant and by Mr. Clarence A. Southerland for the defendant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 10, will be as follows: Nos. 13, original, 505 (and 506), 173, 178, 194, 224, 239, 274, 347, and 344.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Leonard L. Cowan, of Chicago, Ill.; DeWolfe Emory, of Seattle, Wash.; Pedro P. Semsem, of Washington, D.C.; and Irvin C. Levin, of Omaha, Nebr., were admitted to practice.

No. 13, original. State of New Jersey, complainant, *v.* State of Delaware. Argument on the exceptions to the Report of the Special Master continued by Mr. Clarence A. Southerland for the defendant, and concluded by Mr. Duane E. Minard for the complainant.

No. 505. Manhattan Properties, Inc., petitioner, *v.* Irving Trust Company as Trustee etc.; and

No. 506. Samuel R. Brown, et al., petitioners, *v.* Irving Trust Company as Trustee etc. Argued by Mr. William D. Mitchell for the petitioners, and by Mr. Frederick H. Wood for the respondent.

No. 173. James B. Moore, petitioner, *v.* The Chesapeake & Ohio Railway Company. Argument commenced by Mr. Edward Davidson for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 11, will be as follows: Nos. 173, 178, 194, 224, 239, 347, 344 (and 359), 364, 274, and 290.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Walter L. Baumgartner, of Seattle, Wash.; Joseph Merrick Jones, of New Orleans, La.; and Maurice E. Cohen, of Philadelphia, Pa.; were admitted to practice.

No. 173. James B. Moore, petitioner, *v.* The Chesapeake & Ohio Railway Company. Argument continued by Mr. Albert H. Cole for the respondent and concluded by Mr. Edward Davidson for the petitioner.

No. 178. Augustus P. Norton, Deputy Commissioner, United States Employees' Compensation Commission, petitioner, *v.* Vesta Coal Company. Argued by Mr. Assistant Solicitor General MacLean for the petitioner, and by Mr. Wm. A. Challenger for the respondent.

No. 194. Federal Trade Commission, petitioner, *v.* R. F. Keppel & Brother, Inc. Argued by Mr. Assistant Attorney General Stephens for the petitioner, and by Mr. George E. Elliott for the respondent.

No. 224. The United States, petitioner, *v.* Provident Trust Company, as Administrator, etc. Argument commenced by Mr. Solicitor General Biggs for the petitioner, and continued by Mr. Joseph Carson for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 12, will be as follows: Nos. 224, 239, 347, 344 (and 359), 364, 274, 290, 293, 294, and 295.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

William F. Denman, of Prescott, Ark.; Hubbard Scott Caven, of Marshall, Tex.; Dwight L. Shouse, of Indianapolis, Ind.; and Willis J. O'Brien, of Des Moines, Iowa, were admitted to practice.

No. 224. The United States, petitioner, *v.* Provident Trust Company, as Administrator etc. Argument continued by Mr. Joseph Carson for the respondent, and concluded by Mr. Solicitor General Biggs for the petitioner.

No. 239. Hartford Accident & Indemnity Company et al., appellants, *v.* N. O. Nelson Manufacturing Company. Argued by Mr. L. Barrett Jones for the appellants, and by Mr. Gerard H. Brandon for the appellee.

No. 347. Standard Oil Company of California, appellant, *v.* The People of the State of California. Argued by Mr. V. K. Butler, Jr., for the appellant, and by Mr. H. H. Linney and Mr. U. S. Webb for the appellee.

No. 344. Puget Sound Power & Light Company, appellant, *v.* The City of Seattle; and

No. 359. Seattle Gas Company, appellant, *v.* The City of Seattle. Argument commenced by Mr. Clarence R. Innis for the appellant in No. 344; and continued by Mr. De Wolfe Emory for the appellant in No. 359.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 15, will be as follows: Nos. 344 (and 359), 364, 440 (and 548), 659, 656 (and 657), 6, 274, 290, 293, and 294.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Leslie N. Jones, of Chicago, Ill.; David Nelson Sutton, of West Point, Va.; Stella Akin, of Savannah, Ga.; John J. Kennett, of Seattle, Wash.; Lester Rabbino, of Brooklyn, N.Y.; Zenobian Ilmer Walsler, of High Point, N.C.; Wm. H. Bobbitt, of Charlotte, N.C.; Don A. Walsler, of Lexington, N.C.; John Raymond McCrary, of Lexington, N.C.; and Frederic White Shepard, of Woodmere, N.Y., were admitted to practice.

The Chief Justice said:

“The Court learns with deep sorrow of the death of Mrs. Edward Douglass White, widow of the late Chief Justice of this Court. The Court is advised that funeral ceremonies will be held in Washington Wednesday next at 10 o'clock in the forenoon. The members of the Court will be present to show appropriate respect to her memory.”

No. 187. Arthur M. Brown, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed, and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Brandeis.

No. 225. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Otto H. Falk et al., Executors of the estate of Charles F. Pfister, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment affirmed, and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice McReynolds. Dissenting opinion by Mr. Justice Stone in which Mr. Justice Brandeis and Mr. Justice Cardozo concur.

No. 227. Marshall S. Reynolds, Individually and as Collector of Internal Revenue, petitioner, *v.* Richard F. Cooper;

No. 228. Marshall S. Reynolds, Individually and as Collector of Internal Revenue, petitioner, *v.* Barbara V. Cooper; and

No. 229. Marshall S. Reynolds, Individually and as Collector of Internal Revenue, petitioner, *v.* Richard F. Cooper and Barbara V. Cooper. On writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgments affirmed with costs, and cases remanded to the District Court of the United States for the District of Wyoming. Opinion by Mr. Justice McReynolds. Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo concur in the result.

No. 126. Pigeon River Improvement, Slide & Boom Company, appellant, *v.* Charles W. Cox, Limited. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the District of Minnesota for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 158. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Charles J. Canfield. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit; and

No. 212. William R. Thorsen, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment in No. 158 reversed and cause remanded to the Circuit Court of Appeals for the Seventh Circuit for further proceedings in conformity with the opinion of this Court. Judgment in No. 212 affirmed, and cause remanded to the Circuit Court of Appeals for the Ninth Circuit. Opinion by Mr. Chief Justice Hughes.

No. 208. Nannie May Williams, petitioner, *v.* The Union Central Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of Texas. Opinion by Mr. Chief Justice Hughes.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 178. Augustus P. Norton, Deputy Commissioner, United States Employees' Compensation Commission, petitioner, *v.* Vesta Coal Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam:* As it appears that the Government has now adopted the conclusion that the decision below

is correct and no substantial controversy is presented at the bar of this Court, the writ of certiorari herein is dismissed.

No. 5, original. The State of Wisconsin et al., complainants, *v.* The State of Illinois et al.;

No. 7, original. The State of Michigan et al., complainants, *v.* The State of Illinois et al.; and

No. 8, original. The State of New York et al., complainants, *v.* The State of Illinois et al. The semiannual report of the Sanitary District of Chicago dated January 1, 1934, is received and ordered to be filed.

No. 18, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of Arkansas. Motion of defendant for thirty days additional time within which to file its answer is granted.

No. 19, original. *Ex parte*: L. W. Baldwin and Guy A. Thompson, Trustees, etc., et al., petitioners. Upon consideration of the return of the respondent, Honorable Thomas M. Kennerly, Judge of the District Court of the United States for the Southern District of Texas, to the rule to show cause heretofore issued herein, it is ordered that this cause be assigned for oral argument upon the rule and return on Monday, February 12, next. It is further ordered that Tyrell & Garth Investment Co., the plaintiff in the District Court of Harris County, sixty-first judicial District of Texas, in the cause there pending entitled Tyrell & Garth Investment Co. *v.* Houston North Shore Railway Company et al., be, and it is hereby, granted, leave to appear in this Court in this cause, to file briefs, and to participate in the oral argument.

No. 674. Harry Hackworth, petitioner, *v.* A. C. Aderhold, Warden U.S. Penitentiary, Atlanta, Georgia. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court upon examination of the papers herein submitted finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 704. The United States of America, *ex rel.* Alfred R. Nerbonne, petitioner, *v.* Henry C. Hill, as Warden, United States Northeastern Penitentiary, Lewisburg, Pa. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 667. Gilbert Franklin Poole, an Insane Person, by Charles Lee Coggin, His General Guardian, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court upon examination of the papers herein submitted finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 663. Charles E. Gay, Jr., Receiver of Savannah & Atlanta Railway, petitioner, *v.* Major Ruff. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted and case assigned for argument on Monday, February 12, next, immediately following No. 19, original.

No. 669. John N. Minnich, petitioner, *v.* Russell Gardner, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 594. Lucas T. Harter, Receiver, Hawkins Mortgage Company, petitioner, *v.* Warrack Wallace, Trustee, Hawkins Mortgage Company, et al.; and

No. 595. Lucas T. Harter, Receiver, Hawkins Mortgage Company, petitioner, *v.* Warrack Wallace, Trustee, Hawkins Mortgage Company, et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 626. Missouri-Kansas-Texas Railroad Company, petitioner, *v.* Walter Pleasant, Rodney A. Elward, and Walter Huxman, Tax Commissioners of the State of Kansas, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 636. Traders Limited, Claimant of British Auxiliary Schooner "Thorndyke", her tackle etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 638. Central Eastern Power Company, petitioner, *v.* Manufacturers Trust Company et al., and

No. 639. Ohio Electric Power Company, petitioner, *v.* The Columbus, Delaware & Marion Electric Company et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 646. H. T. Cook, Henry N. Young, and Trenton Trust Company, Executors etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 647. J. Edgar Hustead, Receiver of The Monongahela National Bank of Brownsville, Pennsylvania, petitioner, *v.* The School District of the Borough of Brownsville. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 648. Robert K. Cassatt, W. Plunket Stewart, et al., etc., petitioners, *v.* The First National Bank of West New York, New Jersey. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 649. Thomas A. Groover, Arthur C. Christie, et al., petitioners, *v.* Dora E. Grubb. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 654. Irving Trust Company, as Receiver of Island Refining Company, petitioner, *v.* Compania Mexicana De Petroleo "La Libertad", S.A., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 542. Harry D. McCleary, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 550. Harry L. Alvord, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

The Chief Justice announced the following order:

ORDER

The Court will take a recess from Monday, January 22, to Monday, February 5, next.

No. 586. New York Telephone Company, appellant, *v.* Milo R. Maltbie et al., etc. Time extended to February 1, next, to file brief in opposition to the motion to dismiss on motion of Mr. Edward L. Blackman in that behalf.

No. 659. The United States of America, appellant, *v.* Claude Chambers and Byrum Gibson. Motion for leave to file brief of Frederic White Shepard as *amicus curiae* and for leave to participate in the oral argument submitted by Mr. Frederic White Shepard in that behalf and the motion denied.

No. 659. The United States of America, appellant, *v.* Claude Chambers and Byrum Gibson. Motion for leave to file brief of

Wm. Sheafe Chase, as *amicus curiae* submitted by Mr. Frederic White Shepard in that behalf and the motion denied.

No. 344. Puget Sound Power & Light Company, appellant, *v.* The City of Seattle; and

No. 359. Seattle Gas Company, appellant, *v.* The City of Seattle. Argument continued by Mr. DeWolfe Emory for the appellant in No. 359; by Mr. Walter L. Baumgartner and Mr. A. C. Van Soelen for the appellee; by Mr. Clarence R. Innis, for the appellant in No. 344; and concluded by Mr. DeWolfe Emory for the appellant in No. 359.

No. 364. The Pacific Telephone and Telegraph Company, appellant, *v.* The City of Seattle, et al. Argued by Mr. Otto B. Rupp for the appellant, and by Mr. Walter L. Baumgartner for the appellees.

No. 440. Benjamin F. Lindheimer, and others constituting the Illinois Commerce Commission etc., et al., appellants, *v.* Illinois Bell Telephone Company; and

No. 548. Illinois Bell Telephone Company, appellant, *v.* Benjamin F. Lindheimer, and others constituting the Illinois Commerce Commission etc., et al. Five hours allowed for the argument of this case. Argument commenced by Mr. George I. Haight for Lindheimer et al., and continued by Mr. Benjamin F. Goldstein for Lindheimer et al.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, January 16, will be as follows: Nos. 440 (and 548), 659, 656 (and 657), 6, 274, 290, 293, 294, 308, and 399.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Otto C. Stegemann, of Miami, Fla.; Max L. Bernsteen, of Cleveland, Ohio; Robert V. Gleason, of Minneapolis, Minn.; Edgar G. Martin, of Norwalk, Ohio; and Rex F. Bracy, of Norwalk, Ohio, were admitted to practice.

No. 399. National Linen Service Corporation, Trading as Richmond Linen Supply Company, appellant, *v.* City of Lynchburg, Virginia, its Mayor, et al. Submitted by Mr. Henry A. Alexander for the appellant and by Mr. T. G. Hobbs for the appellees.

No. 440. Benjamin F. Lindheimer and others, constituting the Illinois Commerce Commission, etc., et al., appellants, *v.* Illinois Bell Telephone Company; and

No. 548. Illinois Bell Telephone Company, appellant, *v.* Benjamin F. Lindheimer and others, constituting the Illinois Commerce Commission, etc., et al. Argument continued by Mr. Benjamin F. Goldstein for Lindheimer et al.; by Mr. Wm. H. Thompson and Mr. Charles M. Bracelen for Illinois Bell Telephone Company; and concluded by Mr. Benjamin F. Goldstein for Lindheimer et al.

No. 659. The United States of America, appellant, *v.* Claude Chambers and Byrum Gibson. Argument commenced by Mr. Solicitor General Biggs for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, January 17, will be as follows: Nos. 659, 656 (and 657), 6, 274, 290, 293, 294, 308, 311 (and 312), and 325.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Emil Weitzner, of New York City; Arthur A. Gammell, of New York City; Earl F. Boxell, of Toledo, Ohio; Neal Powers, of Austin, Tex.; Henry H. Bank, of Minneapolis, Minn.; Hugh C. Laughlin, of Toledo, Ohio; Samuel J. Ervin, Jr., of Morganton, N.C.; Frazier Reams, of Toledo, Ohio; and Joel S. Rhinefort, of Toledo, Ohio, were admitted to practice.

No. 659. The United States of America, appellant, *v.* Claude Chambers and Byrum Gibson. Argument continued by Mr. Solicitor General Biggs for the appellant; by Mr. Z. I. Walser and Mr. William M. Hendren, for the appellees; and concluded by Mr. Solicitor General Biggs for the appellant.

No. 656. Wilbur F. Booth *v.* The United States; and

No. 657. Charles F. Amidon *v.* The United States. Argument commenced by Mr. William D. Mitchell for Booth and Amidon; continued by Mr. Solicitor General Biggs for The United States; and concluded by Mr. John Spalding Flannery for Booth and Amidon.

No. 6, Local 167 of the International Brotherhood of Teamsters, etc., et al., appellants, *v.* The United States of America. Argument commenced by Mr. Samuel H. Kaufman for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, January 18, will be as follows: Nos. 6, 274, 290, 293, 294, 308, 311 (and 312), 325, 343, and 349.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Sigmund H. Steinberg, of Philadelphia, Pa.; and Harry Greenwald, of Yonkers, N.Y., were admitted to practice.

No. 6. Local 167 of the International Brotherhood of Teamsters, etc., et al., appellants, *v.* The United States of America. Argument continued by Mr. Samuel H. Kaufman for the appellants, and concluded by Mr. Assistant Attorney General Stephens for the appellee.

No. 274. Clark's Ferry Bridge Company, appellant, *v.* The Public Service Commission of the Commonwealth of Pennsylvania. Argued by Mr. George Ross Hull for the appellant, and by Mr. E. Everett Mather, Jr., for the appellee.

No. 290. Chase National Bank of the City of New York, Successor Trustee etc., petitioner, *v.* The City of Norwalk, Ohio. Argument commenced by Mr. George D. Welles for the petitioner, and continued by Mr. G. Ray Craig for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, January 19, will be as follows: Nos. 290, 293, 294, 308, 311 (and 312), 325, and 343.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Eldred N. Mahoney, of Washington, D.C.; R. Gray Williams, of Winchester, Va.; John J. Malloy, of Washington, D.C.; Bernard L. Sheridan, of Paola, Kans.; L. Robinson Maddox, of Washington, D.C.; Aaron Kaufman, of Elizabeth, N.J.; Wm. I. Traeger, of Los Angeles, Calif.; John H. Burke, of Long Beach, Calif.; Isidore G. Stone, of Detroit, Mich.; Mark H. Birnkrant, of Detroit, Mich.; and Leighton C. Taylor, of Washington, D.C., were admitted to practice.

No. 290. Chase National Bank of the City of New York, Successor Trustee etc., petitioner, *v.* The City of Norwalk, Ohio. Argument continued by Mr. G. Ray Craig and Mr. H. C. Laughlin for the respondent, and concluded by Mr. George D. Welles for the petitioner.

No. 293. Ernest C. Atkins, appellant, *v.* Hertz Drivurself Stations, Inc. Argument commenced by Mr. John P. McGrath for the appellant. The Court declined to hear further argument.

No. 294. Kent-Coffey Manufacturing Company, appellant, *v.* A. J. Maxwell, Commissioner of Revenue of the State of North Carolina. Argument commenced by Mr. Mark Squires for the appellant; continued by Mr. Dennis G. Brummitt for the appellee; and concluded by Mr. Samuel J. Ervin, Jr., for the appellant.

No. 308. Maxine Murray, on her own behalf, etc., petitioner, *v.* Joe Gerrick & Company, et al. Argued by Mr. M. M. Doyle for the petitioner, and by Mr. Roszel C. Thomsen and Mr. Walter L. Clark for the respondent.

No. 311. Ida A. Van Dyke, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 312. Cleve W. Van Dyke, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argued by Mr. H. Brian Holland for the respondent, and case submitted by Mr. R. A. Bartlett and Mr. Wm. E. Brooks for the petitioner.

Adjourned until Monday, January 22, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Carlyle Barton, of Baltimore, Md.; Henry A. Onofrio, of Bradford, Pa.; Wm. N. Keeler, of Fresno, Calif.; Dewey Johnson Edwards, of Washington, D.C.; Thomas Randolph Reyburn, of St. Louis, Mo.; Herbert Alloway Huebner, of Forest Hills, N.Y.; Edwin W. Hunter, of South Bend, Ind.; W. H. Poe, of Orlando, Fla.; Rice Lardner, of Garnett, Kans.; Joseph H. Schneider, of Little Rock, Ark.; P. L. Robinson, of Little Rock, Ark.; and W. P. Dumas, of Dallas, Tex., were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 399. National Linen Service Corporation, trading as Richmond Linen Supply Company, appellant, *v.* City of Lynchburg, Virginia, its Mayor, et al. Appeal from the Supreme Court of Appeals of the State of Virginia. *Per curiam*: Judgment affirmed. State Board of Tax Commissioners *v.* Jackson, 283 U.S. 527, 537; Ohio Oil Co. *v.* Conway, 281 U.S. 146, 159; Brown-Forman Co. *v.* Kentucky, 217 U.S. 563, 573; Lawrence *v.* State Tax Commission, 286 U.S. 276, 283, 284.

No. 293. Ernest C. Atkins, appellant, *v.* Hertz Drivurself Stations, Inc. Appeal from the Supreme Court of the State of New York. *Per curiam*: Judgment affirmed. Magoun *v.* Illinois Trust & Savings Bank, 170 U.S. 283, 293-301; Quong Wing *v.* Kirkendall, 223 U.S. 59, 62, 63; Packard *v.* Banton, 264 U.S. 140, 144; Silver *v.* Silver, 280 U.S. 117, 122-124; Hardware Dealers Mutual Fire Ins. Co. *v.* Glidden, 284 U.S. 151, 158; Hodge Drive-It Yourself Co. *v.* Cincinnati, 284 U.S. 335, 338; Lawrence *v.* State Tax Commission, 286 U.S. 276, 283, 284; Continental Baking Co. *v.* Woodring, 286 U.S. 352, 373; Sproles *v.* Binford, 286 U.S. 374, 396.

No. 294. Kent-Coffey Manufacturing Company, appellant, *v.* A. J. Maxwell, Commissioner of Revenue of the State of North Carolina.

Appeal from the Supreme Court of the State of North Carolina. *Per curiam*: This case is controlled by the decision in *Underwood Typewriter Co. v. Chamberlain*, 254 U.S. 113, and not by the decision in *Hans Rees' Sons v. North Carolina*, 283 U.S. 123. The judgment is affirmed.

No. 311. Ida A. Van Dyke, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 312. Cleve W. Van Dyke, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. *Per curiam*: Judgments affirmed. *Burnet v. Clark*, 287 U.S. 410; *Dalton v. Bowers*, 287 U.S. 404.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. Ralph Marks, petitioner. The motion for leave to file petition for writ of *habeas corpus* is denied.

No. 710. Willie Peterson, petitioner, *v.* The State of Alabama. On petition for writ of certiorari to the Supreme Court of the State of Alabama. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which the petition for writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 655. Roland Boynton, Attorney General of the State of Kansas, petitioner, *v.* The Hutchinson Gas Company. On petition for writ of certiorari to the Supreme Court of the State of Kansas. The Court desires to hear argument upon the questions presented by the petition for writ of certiorari. Action upon the petition will be withheld meanwhile, and the petition is set down for oral argument on Monday, February 12, next, after the cases heretofore assigned for that day.

No. 660. Annie Sauder, Administratrix of the Estate of Philip Sauder, deceased, et al., petitioners, *v.* Mid-Continent Petroleum Corporation. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

No. 652. St. Louis-San Francisco Railway Company, petitioner, *v.* J. H. McCommon. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 653. New Amsterdam Casualty Company, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 658. John O. Bender, John F. Bender, et al., petitioners, *v.* Theodore P. Lamb. Petition for writ of certiorari to the District Court of Appeal, Fourth Appellate District, State of California, denied.

No. 661. William Downey and John F. Gallagher, petitioners, *v.* Frank G. Hale, Lieutenant Detective, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 670. James J. McCormick, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 671. Munson Inland Water Lines, Inc., as Charterer of the Steam Barge "Albany", etc., petitioner, *v.* Wilhelm Kunkel. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 676. Continental Illinois National Bank and Trust Company of Chicago, Trustee, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 693. United States Fidelity and Guaranty Company, petitioner, *v.* W. K. Howard, Receiver of First National Bank of Sandersville. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 602. Charles R. Archerd, appellant, *v.* The State of Oregon. Time within which to file petition for a rehearing extended to and including February 9th next. Leave granted to present petition for rehearing in typewritten form, and Mandate stayed pending action on the petition for rehearing on motion of Mr. Samuel W. McIntosh in behalf of counsel for the appellant.

Adjourned until Monday, February 5, at 12 o'clock.

The day call for Monday, February 5, will be as follows: Nos. 89, 509, 106, 295, 298, 325, 428, 343, 349, and 355.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Samuel Zirn, of New York City; Robert M. Hair, of Cincinnati, Ohio; Milner F. Little, of Cincinnati, Ohio; Squire R. Ogden, of Louisville, Ky.; David L. Samuels, of New York City; Harry N. Connaughton, of Washington, D.C.; Edmund H. Parry, Jr., of Washington, D.C.; Oscar W. Giese, of Minneapolis, Minn.; John P. Rice, of Dallas, Tex.; William T. Van Alstyne, of New York City; Justin C. Daspit, of Baton Rouge, La.; Henry S. McCluskey, of Phoenix, Ariz.; Samuel H. Morris, of Globe, Ariz.; Bryan F. Williams, of Galveston, Tex.; Robert J. Pleus, of Orlando, Fla.; Morris Fromkin, of Milwaukee, Wis.; J. F. Finlay, of Chattanooga, Tenn.; and Weaver E. Gore, of Jackson, Miss., were admitted to practice.

No. 239. Hartford Accident & Indemnity Company and Aetna Casualty & Surety Company, appellants, *v.* N. O. Nelson Manufacturing Company, Assignee. Appeal from the Supreme Court of the State of Mississippi. Decree affirmed with costs. Opinion by Mr. Justice Cardozo.

No. 13, original. State of New Jersey, complainant, *v.* State of Delaware. Opinion confirming report of Special Master announced by Mr. Justice Cardozo.

No. 308. Maxine Murray, on her own behalf and as Guardian *ad litem* of Maxine Lois Murray, a Minor, petitioner, *v.* Joe Gerrick & Company, Industrial Brown Hoist Corporation, R. W. Kaltenbach Corporation, et al. On writ of certiorari to the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Roberts.

No. 505. Manhattan Properties, Inc., petitioner, *v.* Irving Trust Company, as Trustee in Bankruptcy of Oliver A. Olson Co., Inc., and

No. 506. Samuel R. Brown, Almira B. Millard, et al., petitioners, *v.* Irving Trust Company, as Trustee in Bankruptcy of United Cigar Stores Company. On writs of certiorari to the United States Cir-

cuit Court of Appeals for the Second Circuit. Judgments affirmed with costs, and cases remanded to the District Court of the United States for the Southern District of New York. Opinion by Mr. Justice Roberts.

No. 656. Wilbur F. Booth *v.* The United States; and

No. 657. Charles F. Amidon *v.* The United States. On certificates from the Court of Claims. Questions answered in the affirmative. Opinion by Mr. Justice Roberts.

No. 364. The Pacific Telephone and Telegraph Company, appellant, *v.* The City of Seattle and Harry W. Carroll, as Comptroller, etc. Appeal from the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Stone.

No. 194. Federal Trade Commission, petitioner, *v.* R. F. Keppel & Brother, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree reversed, and case remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. —, original. State of Alabama, complainant, *v.* State of Arizona, et al. Motion for leave to file bill of complaint denied. Opinion by Mr. Justice Butler. Mr. Justice Stone concurs in the result.

No. 6. Local 167 of the International Brotherhood of Teamsters, Chauffeurs, etc., et al., appellants, *v.* The United States of America. Appeal from the District Court of the United States for the Southern District of New York. Decree affirmed. Opinion by Mr. Justice Butler.

No. 224. The United States, petitioner, *v.* Provident Trust Company, as Administrator of the estate of George Theodore Roberts, deceased. On writ of certiorari to the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Sutherland.

No. 128. The Texas & Pacific Railway Company, petitioner, *v.* S. O. Pottorff, Receiver of the First National Bank of El Paso, Texas. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Texas. Opinion by Mr. Justice Brandeis.

No. 400. City of Marion, Illinois, a Municipal Corporation; Continental Illinois Bank and Trust Company, et al., petitioners, *v.* Ben Sneed, as Receiver of the City National Bank of Herrin, Illinois. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Illinois. Opinion by Mr. Justice Brandeis.

No. 347. Standard Oil Company of California, appellant, *v.* The People of the State of California. Appeal from the Supreme Court of the State of California. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 173. James B. Moore, petitioner, *v.* The Chesapeake & Ohio Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs, and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 659. The United States of America, appellant, *v.* Claude Chambers and Byrum Gibson. Appeal from the District Court of the United States for the Middle District of North Carolina. Judgment affirmed. Opinion by Mr. Chief Justice Hughes.

No. 274. Clark's Ferry Bridge Company, appellant, *v.* The Public Service Commission of the Commonwealth of Pennsylvania. Appeal from the Superior Court of the Commonwealth of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Chief Justice Hughes.

The Chief Justice said:

"The orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 731. Michael J. Healy, Chief of Police of Manchester, N.H., appellant, *v.* Louis D. Ratta. In this case probable jurisdiction is noted. The attention of counsel is directed to the question, among the other questions presented by the appeal, whether the amount in controversy is such as to sustain the jurisdiction of the District Court.

No. 597. Robert J. McKnett, petitioner, *v.* St. Louis & San Francisco Railway Company. Motion to dismiss denied.

No. 732. Abraham Somerman, Max Markowitz, Nathan Mansdorf, et al., petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 734. Lewis Reynolds, petitioner, *v.* The United States. On petition for writ of certiorari to the Court of Claims. The motion for leave to proceed further herein *in forma pauperis* on petition for writ of certiorari is granted.

No. 689. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Independent Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 709. Eastman Kodak Company, et al., petitioners, *v.* Charles B. Gray. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 722. Rockford Life Insurance Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted and the case assigned for argument immediately following No. 689.

No. 681. Alfred E. Clegg, as Ancillary Executor of the Estate of Henry F. Kerr, deceased, petitioner, *v.* Frank Collis Bowers, as Executor of the estate of Frank K. Bowers, deceased, formerly United States Collector of Internal Revenue, etc.; and

No. 682. Alfred E. Clegg, petitioner, *v.* Frank Collis Bowers, as Executor of the Estate of Frank K. Bowers, deceased, formerly United States Collector of Internal Revenue, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. The Chief Justice took no part in the consideration or decision of this application.

No. 606. Fred M. Harden, et al., in their own behalf and in behalf of all other Stockholders of the Balatoc Mining Company, petitioners, *v.* Benguet Consolidated Mining Co. et al. Petition for writ of certiorari to the Supreme Court of the Philippine Islands denied.

No. 616. Crawford County Trust and Savings Bank, Trustee, petitioner, *v.* Crawford County, Iowa, et al.;

No. 617. Farmers State Bank of Dow City, Iowa, etc., et al., petitioners, *v.* Crawford County, Iowa, et al.; and

No. 618. Crawford County Trust and Savings Bank of Dennison, Iowa, petitioner, *v.* Crawford County, Iowa, et al. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 625. Charles H. Wiltsie, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 668. Max B. Shubin and Sara C. Shubin, on behalf of Reliable Coal Company, petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 678. The Louisville Trust Company, petitioner, *v.* National Bank of Kentucky and A. M. Anderson, Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 691. The Bank of United States and Fletcher G. Crane, petitioners, *v.* William R. Cuthbertson, Trustee in Bankruptcy of the Estate of Charlotte Hotel Company, bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 695. Sully C. Pecot, petitioner, *v.* The People of the State of New York. Petition for writ of certiorari to the Court of Special Sessions of the City of New York, State of New York, denied.

No. 673. Glenn Snyder, by La Vare Snyder, his Guardian *ad Litem*, petitioner, *v.* National Union Indemnity Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 683. Norwich Union Fire Insurance Society, Ltd., et al., petitioners, *v.* Fannie Cohn. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 684. C. J. Rockwood, as Receiver of W. B. Foshay Company, petitioner, *v.* Wilbur B. Foshay and Henry H. Henley; and

No. 685. C. J. Rockwood, as Receiver of W. B. Foshay Company, petitioner, *v.* Wilbur B. Foshay and Henry H. Henley. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 686. Aluminum Company of America, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 688. Midway Chemical Company, petitioner, *v.* O'Cedar Corporation; and

No. 699. F. W. Woolworth Company, et al., petitioners, *v.* O'Cedar Corporation. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 692. Harry W. Meeham, Trustee, petitioner, *v.* Commonwealth of Massachusetts. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 713. The United States, petitioner, *v.* Manufacturers Aircraft Association, Inc. Petition for writ of certiorari to the Court of Claims denied.

No. —, original. Ex Parte: United Engineering and Foundry Company, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Melville Church for the petitioner.

No. —, original. The Principality of Monaco, plaintiff, *v.* The State of Mississippi. Return to the rule to show cause presented.

No. 672. The National Refining Company et al., petitioners, *v.* Pennsylvania Petroleum Company. Motion to strike brief of respondent from files submitted by Mr. I. J. Ringolsky and Mr. Harry L. Jacobs for the petitioners.

No. 705. The United States of America, on relation of Oscar E. Voigt, petitioner, *v.* H. E. L. Toombs, United States Marshal for the Southern District of Texas. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Petition for writ of certiorari dismissed on motion of counsel for the petitioner.

No. 741. Edwin J. Miller, as Executor, etc., et al., petitioners, *v.* Security First National Bank of Los Angeles, Trustee, etc. Motion to dispense with printing of record submitted by Mr. Will R. King for the petitioners.

No. 106. W. D. Sanders, petitioner, *v.* Armour Fertilizer Works and National Fire Insurance Company. Submitted by Mr. Thomas D. Gresham for the petitioner, by Mr. Mark McMahan and Mr. Chas. J. Faulkner, Jr., for the respondent, Armour Fertilizer Works, and by Mr. George S. Wright for the respondent, National Fire Insurance Co.

No. 89. Life & Casualty Insurance Company, appellant, *v.* Ossie McCray; and

No. 509. Life & Casualty Insurance Company of Tennessee, appellant, *v.* Albert Barefield. Argued by Mr. Moreau P. Estes for the appellant and case submitted by Mr. Joseph M. Hill and Mr. Henry L. Fitzhugh for the appellee in No. 89. No appearance for the appellee in No. 509.

No. 295. Florence Samuels Landress, petitioner, *v.* Phoenix Mutual Life Insurance Company and Travelers Insurance Company. Argued by Mr. William L. Frierson for the petitioner, by Mr. Vaughn Miller for the respondent, Phoenix Mutual Life Insurance Company; and by Mr. J. F. Finlay for respondent, Travelers Insurance Company.

No. 298. S. M. Nickey, W. E. Nickey, et al., appellants, *v.* The State of Mississippi. Argument commenced by Mr. W. E. Gore for the appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 6, will be as follows: Nos. 298, 325, 428, 349, 343, 355, 358, 361, 363, and 422.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Edith S. Sampson, of Chicago, Ill.; Aubrey H. Bell, of Greenwood, Miss.; Ernest J. Goppert, of Cody, Wyo., Edgar N. Eisenhower, of Tacoma, Wash.; Rufus J. Lackland, of Fort Worth, Tex.; Victor A. Sachse, of Baton Rouge, La.; J. G. Driscoll, Jr., of San Diego, Calif.; Arch E. Ekdale, of San Pedro, Calif.; Ambrose E. Kountz, of Pittsburgh, Penna.; and William Albert McClellan, of Muncie, Ind., were admitted to practice.

No. 298. S. M. Nickey, W. E. Nickey, et al., appellants, *v.* The State of Mississippi. Argument continued by Mr. W. E. Gore for the appellants, and concluded by Mr. J. A. Lauderdale for the appellee.

No. 325. Inger Juliane Hansen, petitioner, *v.* Edward L. Haff, Acting Commissioner of Immigration for the Port of San Francisco. Argued by Mr. Roger O'Donnell for the petitioner, and by Mr. Assistant Attorney General Sweeney for the respondent.

No. 428. H. Chassaniol et al., appellants, *v.* City of Greenwood. Argued by Mr. Edward W. Smith for the appellants, and by Mr. J. A. Lauderdale and Mr. A. H. Bell for the appellees.

No. 349. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* American Chicle Company. Argued by Mr. Erwin N. Griswold for the petitioner, and by Mr. Wm. C. Breed for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 7, will be as follows: Nos. 343, 355, 358, 361, 363, 422, 429, 435, 477, and 342.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Thomas W. Lain, of Galveston, Tex.; Lynn Watson Ferris, of Mount Pleasant, Mich.; Edward R. Adams, of Chicago, Ill.; Robert W. Wales, of Chicago, Ill.; Frank P. Farrell, of Medford, Oreg.; Cyrus B. Frost, of Eastland, Tex.; Earl Conner, of Eastland, Tex.; Clarence B. Heiserman, of Haverford, Pa.; William L. Kinter, of Philadelphia, Pa.; Harry Kirshbaum, of New York City; Wallace W. Brown, of West Hartford, Conn.; and Guernsey Orcutt, of Pittsburgh, Pa., were admitted to practice.

No. —. The United States of America, Interstate Commerce Commission et al., appellants, *v.* State of Ohio and Public Utilities Commission of Ohio et al.; and

No. —. The United States of America, Interstate Commerce Commission et al., appellants, *v.* The Wheeling & Lake Erie Railway Company et al. Motion to abate the stay order of the District Court entered in these cases submitted by Mr. Frederic D. McKenney for the appellants in support of the motion, with leave to appellees to file an opposition thereto by Thursday next on motion of Mr. Clan Crawford in that behalf.

No. 343. Hamburg-American Line, petitioner, *v.* The United States of America. Argued by Mr. Roger O'Donnell for the petitioner, and by Mr. J. W. Morris for the respondent.

No. 355. Trinityfarm Construction Company, appellant, *v.* Alice Lee Grosjean, Supervisor of Public Accounts for the State of Louisiana. Argument commenced by Mr. D. K. Woodward, Jr., for the appellant; continued by Mr. Peyton R. Sandoz and Mr. Justin C. Daspit for the appellee; and concluded by Mr. Victor A. Sachse for the appellant.

No. 358. L. J. Bosworth, Receiver of the McCartney National Bank of Green Bay, Wisconsin, petitioner, *v.* Continental Illinois Bank and Trust Company. Argued by Mr. Edward R. Adams for

the petitioner, and case submitted by Mr. Isaac H. Mayer and Mr. David F. Rosenthal for the respondent.

No. 361. Interstate Commerce Commission, petitioner, *v.* The Pennsylvania Railroad Company and Pennsylvania Company. Argument commenced by Mr. Daniel W. Knowlton for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 8, will be as follows: Nos. 361, 363, 422, 429, 477, 547, 342, 419, 421, and 435.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Goldsmith B. Oliver, Jr., of Corning, Ark.; Harry R. Jones, of Houston, Tex.; Ralph W. Doty, of Toledo, Ohio; Moses S. Huberman, of New York City; Joseph Walsh McAuliffe, of Battle Creek, Mich.; Robert M. Heth, of Washington, D.C.; and Benj. F. J. Odell, of Chicago, Ill., were admitted to practice.

No. **361**. Interstate Commerce Commission, petitioner, *v.* The Pennsylvania Railroad Company and Pennsylvania Company. Argument continued by Mr. Daniel W. Knowlton for the petitioner, and concluded by Mr. Henry Wolf Bikle for the respondents.

No. **363**. The Arrow-Hart & Hegeman Electric Company, petitioner, *v.* Federal Trade Commission. Argued by Mr. Charles Neave for the petitioner, and by Mr. Solicitor General Biggs for the respondent.

No. **422**. The United States of America, Interstate Commerce Commission, et al., appellants, *v.* Illinois Central Railroad Company, et al. Argument commenced by Mr. Assistant Solicitor General MacLean for appellants, the United States and Interstate Commerce Commission.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 9, will be as follows: Nos. **422**, **429**, **477**, **342**, **419**, **421**, **435**, **449**, **515**, and **498**.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Elmer A. Smith, of Chicago, Ill.; J. A. Heder, of Bismarck, N.D., and A. Lewis Oswald, of Hutchinson, Kans., were admitted to practice.

No. 422. The United States of America, Interstate Commerce Commission, et al., appellants, *v.* Illinois Central Railroad Company, et al. Argument continued by Mr. Assistant Solicitor General MacLean for the appellants, the United States and Interstate Commerce Commission; by Mr. R. S. Outlaw and Mr. H. H. Larimore for the appellees; and concluded by Mr. A. K. Shipe, for the appellants, American Barge Line Co., et al.

No. 429. The Travelers Protective Association of America, petitioner, *v.* Uluetta Prinsen. Argued by Mr. Emmett M. Bagley for the petitioner, and by Mr. Joseph H. Peterson for the respondent.

No. 477. Noah Best, Administrator of the Estate of Albert Edward Best, Deceased, petitioner, *v.* District of Columbia. Argued by Mr. John H. Burnett for the petitioner, and by Mr. Robert E. Lynch for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 12, will be as follows: Nos. 19 original, 663, 655, 342, 419, 421, 435, 449, 515, and 498.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Kirke W. Dale, of Arkansas City, Kan.; John H. Moran, of Boston, Mass.; Samuel Gottlieb, of Boston, Mass.; Murtha J. Hackett, of Saint Louis, Mo.; Wm. Hart Sibley, of Marietta, Ga.; Clarence G. Ashby, of Jacksonville, Fla.; John F. Garvin, of Washington, D.C.; Graham K. Betts, of Seattle, Wash.; E. Chas. Eichenbaum, of Little Rock, Ark.; Don R. Carrigan, of Port Huron, Mich.; and H. Leonard DeKalb, of Lewistown, Mont., were admitted to practice.

No. 171. The United States, petitioner, *v.* Jefferson Electric Manufacturing Company. On writ of certiorari to the Court of Claims;

No. 196. American Chain Company, Inc., petitioner, *v.* Robert O. Eaton, Collector of Internal Revenue, District of Connecticut. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit; and

No. 329. C. F. Routzahn, Collector of Internal Revenue of the United States for the Eighteenth District of Ohio, petitioner, *v.* Willard Storage Battery Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. In No. 171, judgment reversed and cause remanded to the Court of Claims for a new trial and full and specific findings. In No. 196, judgments of the District Court and Circuit Court of Appeals reversed with costs, and cause remanded to the District Court of the United States for the District of Connecticut with direction to vacate its findings and grant a new trial in each suit. In No. 329, judgments of the District Court and Circuit Court of Appeals reversed with costs and cause remanded to the District Court of the United States for the Northern District of Ohio with directions to set aside the findings, and to sustain the motion to dismiss—but without prejudice to the exercise by that court of its discretion in permitting amendments of the petitions. Opinion by Mr. Justice Van Devanter.

The Chief Justice announced the following orders of the Court:

No. 358. L. J. Bosworth, Receiver of The McCartney National Bank of Green Bay, Wisconsin, petitioner, *v.* Continental Illinois Bank and Trust Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: Judgment reversed. *Dakin v. Bayly*, 290 U.S. — (decided November 20, 1933).

No. 740. State of Ohio, *ex rel.* LeRoy E. Eastman, appellant, *v.* Roy R. Stuart, Scott C. Stahl, James S. Martin, et al, etc. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The appeal herein is dismissed for the reason that the judgment sought here to be reviewed is based upon a non-federal ground adequate to support it. *Yesler v. Washington Harbor Line Commissioners*, 146 U.S. 646, 657; *Farson Son & Co. v. Bird*, 248 U.S. 268, 271; *Doyle v. Atwell*, 261 U.S. 590; *Howat v. Kansas*, 258 U.S. 181, 189, 190; *McCoy v. Shaw*, 277 U.S. 302, 303.

No. 753. Catherine McCormack Craft, H. J. McCormack, and P. R. McCormack, appellants *v.* J. E. Hirsh. Appeal from the Supreme Court of the State of Alabama. *Per curiam*: The appeal herein is dismissed for the want of jurisdiction. Sec. 237(a) Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by sec. 237(c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. —. The United States et al., appellants *v.* State of Ohio, et al.; and

No. —. The United States, et al., appellants *v.* The Wheeling & Lake Erie Railway Company, et al. On consideration of the motion of the defendants and cross-appellants in the above entitled causes, it is ordered that the orders of the District Court, entered in these causes on January 19, 1934, be and the same are hereby vacated in so far as they stay the operation and enforcement of the order of the Interstate Commerce Commission. *Virginian Railway Company v. The United States*, 272 U.S. 658, 672-675.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 751. Leslie Beard, petitioner, *v.* A. C. Aderhold, Warden, U.S. Penitentiary, Atlanta, Georgia. On petition for writ of cer-

tiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. —, original. Principality of Monaco, plaintiff *v.* State of Mississippi. This cause is assigned for argument on the rule and return on Monday, March 5, next.

No. 741. Edwin J. Miller, as Executor of the last will and testament of Walter Eden, deceased, et al., petitioners, *v.* Security First National Bank of Los Angeles, Trustee, etc. On petition for writ of certiorari to the Supreme Court of the State of California. The motion of petitioners to dispense with the printing of the record is granted. Upon consideration of the petition and brief, and upon examination of the certified record, the Court finds no ground upon which a writ of certiorari should be granted, and the petition therefor is accordingly denied.

No. 672. The National Refining Company, et al., petitioners, *v.* Pennsylvania Petroleum Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. On consideration of the motion of counsel for the petitioners, it is ordered that the passage in respondent's brief, at pages 50 to 53 thereof, of which complaint is made, be and it is hereby stricken from the files. National Surety Co. *v.* Jarvis, 278 U.S. 610, 611. The petition for writ of certiorari is denied.

No. 516. Illinois Central Railroad Company, petitioner, *v.* A. F. Rawlings, Receiver of the Planters National Bank in Liquidation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 637. A. C. Schmidt, Trustee in Bankruptcy of National Credit Clothing Company, petitioner, *v.* Lloyd Investment Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 662. Michaud Realty Company, petitioner, *v.* Roy A. Heymann, Chandler Hovey et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 680. L. M. Winn, Administrator of the Estate of Nannie Lee Winn, deceased, petitioner, *v.* Consolidated Coach Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 697. Coleman Furniture Corporation, petitioner, *v.* The Home Insurance Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 700. S. J. Sirmans, petitioner, *v.* L. E. Brock and G. L. Lyda. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 701. M. Coppard, Trustee in Bankruptcy of the Estate of Joseph Howard LeSage, Bankrupt, petitioner, *v.* American Finance Company of Galveston and Alamo National Bank. Petition for writ of certiorari to the Court of Civil Appeals, 9th Supreme Judicial District, State of Texas, denied.

No. 702. Henry P. Talmadge, Individually and as Sole Surviving Partner of the Firm of Henry Talmadge & Company, petitioner, *v.* United States Shipping Board Merchant Fleet Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 707. Frank Massey, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 708. John Hansen, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 714. Pan American Petroleum Corporation, petitioner, *v.* State of Alabama. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 716. F. E. Buffum, as Trustee in Bankruptcy of Henry Joseph Barceloux, Bankrupt, petitioner *v.* Cora Gelinas. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 720. Salvatore Moretti, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 723. Copal Mintz, petitioner, *v.* Irving Trust Company, as Trustee in Bankruptcy of Evenod Perfumes, Inc., Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for Second Circuit denied.

No. 602. Charles R. Archerd, appellant, *v.* The State of Oregon. Petition for rehearing denied.

No. 664. Della Schmeling, appellant, *v.* The F. W. Woolworth Company. Petition for rehearing denied.

The Chief Justice also announced the following order:

ORDER

The Court will take a recess from Monday, February 19, to Monday, March 5, next.

No. 779. The United States of America, appellant, *v.* Frederick B. Campbell. Appeal from the District Court of the United States for the Southern District of New York. Appeal dismissed, and mandate granted on motion of Mr. Solicitor Biggs for the appellant.

No. 19, original. *Ex Parte*: L. W. Baldwin and Guy A. Thompson, Trustees, et al., petitioners. Argument on the return to the rule to show cause commenced by Mr. Robert H. Kelley for the petitioners; continued by Mr. L. E. Blankenbecker for the respondents; and concluded by Mr. Harry R. Jones for the petitioners.

No. 663. Charles E. Gay, Jr., Receiver of Savannah & Atlanta Railway, petitioner, *v.* Major Ruff. Argument commenced by Mr. Archibald B. Lovett for the petitioner, and continued by Mr. Thomas W. Hardwick for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, February 13, will be as follows: Nos. 663, 655, 342, 419, 421, 435, 449, 515, 498, and 561.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Samuel Earl Welch, of Antlers, Okla.; George Monk, of Washington, D.C.; Harold W. Norman, of Chicago, Ill.; Morris Cheston, of Philadelphia, Pa.; Rouel Bridge Cook, of Davenport, Iowa; Robert Brigham, of Philadelphia, Pa.; and Thomas Huser, of Wewoka, Okla., were admitted to practice.

No. 663. Charles E. Gay, Jr., Receiver of Savannah & Atlanta Railway, petitioner, *v.* Major Ruff. Argument concluded by Mr. Thomas W. Hardwick for the respondent. Leave granted to file supplemental briefs this week.

No. 655. Roland Boynton, Attorney General of the State of Kansas, petitioner, *v.* The Hutchinson Gas Company. Argued on petition for writ of certiorari by Mr. John G. Egan for the petitioner, and by Mr. Robert Stone for the respondent.

No. 342. State of Florida, Eugene S. Matthews, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, Georgia Public Service Commission et al. Three hours allowed for oral argument. Argument commenced by Mr. Henry P. Adair for the appellant, the Wilson Cypress Company; continued by Mr. Theodore T. Turnbull for the appellants, the State of Florida and Railroad Commission of Florida; by Mr. J. Stanley Payne for the appellees, The United States and Interstate Commerce Commission; by Mr. Robert C. Alston for the appellee, Atlantic Coast Line Railroad Company; and concluded by Mr. J. V. Norman for the appellant, Wilson Lumber Company; and case submitted by Mr. F. C. Hillyer and Mr. Julian E. Fant for the appellant, F. S. Buffum Co., Inc.

No. 419. Globe Indemnity Company, petitioner, *v.* The United States of America, to the use of Steacy-Schmidt Manufacturing Company, Inc. Argument commenced by Mr. Frederick L. Ballard for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, February 14, will be as follows: Nos. 419, 421, 435, 449, 515, 498, 561, 526, 547, and 565.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Edwin Farrand Livingston, of North Troy, Vt.; Thomas H. Adams, of Detroit, Mich.; Thomas M. Carlson, of Richmond, Calif.; Richard W. Younr, of Berkeley, Calif.; Leslie W. Irving, of Berkeley, Calif.; William Randolph Carpenter, of Marion, Kan.; Edward R. Burke, of Omaha, Neb.; Sterling F. Mutz, of Lincoln, Neb.; J. P. Mandl, of King City, Calif.; Chas. A. Carson, Jr., of Phoenix, Ariz.; and James G. Nye, of Duluth, Minn., were admitted to practice.

No. —, original, State of Arizona, complainant, *v.* State of California, et al. Motion for leave to file bill to perpetuate testimony submitted by Mr. Charles A. Carson for the complainant.

No. 419. Globe Indemnity Company, petitioner, *v.* The United States of America, to the use of Steacy-Schmidt Manufacturing Company, Inc. Argument continued by Mr. Frederic L. Ballard for the petitioner, by Mr. Samuel W. Cooper for the respondent, and concluded by Mr. Frederic L. Ballard for the petitioner.

No. 421. Joseph Falbo, petitioner, *v.* The United States of America. Argued by Mr. Graham K. Betts for the petitioner, and by Mr. Will G. Beardslee for the respondent.

No. 435. Santos Miguel, petitioner, *v.* J. Raymond McCarl, Comptroller General of the United States, et al. Argument commenced by Mr. Samuel T. Ansell for the petitioner, and continued by Mr. Solicitor General Biggs for respondent, Frederick W. Coleman, Chief of Finance, U.S. Army.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, February 15, will be as follows: Nos. 435, 449, 515, 498, 561, 526, 547, 565, and 575.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Wilbur LaRoe, Jr., of Washington, D.C.; Thomas Harvey Hedgepeth, of New Orleans, La.; J. Louis Kohl, of Cincinnati, Ohio; Henry G. Van Veen, of New York City; Clarence W. Meadows, of Beckley, W.Va.; and Carlton Custer Sanders, of Beckley, W.Va., were admitted to practice.

No. 435. Santos Miguel, petitioner, *v.* J. Raymond McCarl, Comptroller General of the United States, et al. Arguments continued by Mr. Harrell O. Hoagland for the respondent, J. Raymond McCarl, Comptroller General of the United States, and concluded by Mr. Samuel T. Ansell for the petitioner.

No. 449. E. W. Clark, as Receiver, petitioner, *v.* Harry O. Williard, W. W. Wheaton, and C. W. Hay, as Trustees, etc., et al. Argument commenced by Mr. Reuel B. Cook for the petitioner; continued by Mr. H. Leonard DeKalb for the respondents; and concluded by Mr. Edmond M. Cook for the petitioner.

No. 515. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Newport Company. Argument commenced by Mr. Erwin N. Griswold for the petitioner, and continued by Mr. Charles F. Fawsett for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, February 16, will be as follows: Nos. 515, 498, 561, 526, and 565.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Joseph J. Geary, of San Francisco, Calif.; Gordon C. Mack, of Akron, Ohio; Frank E. Karelsen, Jr., of New York City; Geo. L. Barnard, of Willmar, Minn.; Richard G. Waters, of Austin, Tex.; Hamp P. Abney, Jr., of Fort Worth, Tex., and Hamp Parton Abney, of Sherman, Tex., were admitted to practice.

No. 515. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Newport Company. Argument continued by Mr. Charles F. Fawsett for the respondent, and concluded by Mr. Erwin N. Griswold for the petitioner.

No. 498. The Federal Land Bank of Berkeley, petitioner, *v.* Samuel S. Warner, et ux., et al. Argued by Mr. Peyton R. Evans for the petitioner. No appearance for the respondents.

No. 561. International Milling Company, petitioner, *v.* Columbia Transportation Company. Argued by Mr. James G. Nye for the petitioner, and by Mr. Edgar W. MacPharran for the respondent.

No. 526. Ebba Pagel, Annie Corey, et al., petitioners, *v.* Edward Pagel, as Administrator of the Estate of Jacob E. Hallbom, et al. Argued by Mr. George L. Barnard for the petitioners, and by Mr. Charles A. Swenson for the respondents.

Adjourned until Monday, February 19 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

R. Welton Whann, of Los Angeles, Calif.; Archie M. Smith, of Pender, Nebr.; Linwood L. Brickhouse, of Little Rock, Ark.; Pauline May Hoffmann, of Los Angeles, Calif.; Lloyd A. Faxon, of Chicago, Ill.; Frederick W. Murphy, of New York City; Lounsbury D. Bates, of Brooklyn, N.Y.; Dan H. Hughes, of Montrose, Colo.; Farrington R. Carpenter, of Hayden, Colo.; Geo. C. Mackay, of St. Louis, Mo.; Walton H. Bachrach, of Cincinnati, Ohio; and Elmer F. Hunsicker, of Cincinnati, Ohio, were admitted to practice.

The Chief Justice announced the following orders of the Court:

No. 586. New York Telephone Company, appellant, *v.* Milo R. Maltbie, George R. Van Namee, George R. Lunn, et al., etc. Appeal from the District Court of the United States for the Southern District of New York. *Per curiam:* The District Court, specially constituted as required by statute (28 U.S.C. 380), permanently enjoined, as confiscatory, the enforcement of the rate orders which are the subject of this suit. The injunction is unqualified. Appellant, having obtained this relief, is not entitled to prosecute an appeal from the decree in its favor, for the purpose of reviewing the portions of the decree fixing the value of appellant's property as of the years 1924, 1926, and 1928, and the rate of return to be allowed. The matters set forth in these portions of the decree are not to be regarded as *res judicata* in relation to subsequent legislative action by the Public Service Commission in fixing rates for the future or in any judicial proceeding relating to such rates. The motion to dismiss the appeal is granted. *Los Angeles Gas & Electric Corporation v. Railroad Commission*, 289 U.S. 287, 304, 305; *State Corporation Commission v. Wichita Gas Co.*, 290 U.S. — (decided January 8, 1934); *Lewis v. United States*, 216 U.S. 611, 612, 613; *Anglo-American Provision Co. v. Davis Provision Co.*, 191 U.S. 376, 377, 378; *New Orleans v. Emsheimer*, 181 U.S. 153, 154.

No. 421. Joseph Falbo, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of

Appeals for the Ninth Circuit. *Per curiam*: Judgment affirmed. *Lumbra v. United States*, 290 U.S. — (decided January 8, 1934).

No. 748. Iuppa & Battle Company and Great American Indemnity Company, appellants, *v.* State Industrial Board of the State of New York and John Dalberth. Appeal from the Supreme Court, Appellate Division, State of New York. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Dahlstrom Metallic Door Co. v. Industrial Board of New York*, 284 U.S. 594; *Equitable Life Assurance Society v. Brown*, 187 U.S. 308, 311; *Wabash R.R. Co. v. Flannigan*, 192 U.S. 29; *Roe v. Kansas*, 278 U.S. 191; *American Baseball Club v. Philadelphia*, 290 U.S. —.

No. 749. Miller Cabinet Company, appellant, *v.* State Industrial Board of the State of New York and John Boscarino. Appeal from the Supreme Court, Appellate Division, State of New York. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Dahlstrom Metallic Door Co. v. Industrial Board of New York*, 284 U.S. 594; *Equitable Life Assurance Society v. Brown*, 187 U.S. 308, 311; *Wabash R. R. Co. v. Flannigan*, 192 U.S. 29; *Roe v. Kansas*, 278 U.S. 191; *American Baseball Club v. Philadelphia*, 290 U.S. —.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 361. Interstate Commerce Commission, petitioner, *v.* The Pennsylvania Railroad Company and Pennsylvania Company. This case is restored to the docket and assigned for reargument on Monday, March 5 next, after the case heretofore assigned for that day. The court desires to hear further argument with respect to the construction of the provision of Section 7 of the Clayton Act that “This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition”.

No. —, original. State of Arizona, complainant, *v.* State of California et al. A rule is ordered to issue returnable on Monday, April 2 next, requiring the defendants to show cause why leave to file the bill to perpetuate testimony should not be granted.

No. —, original. *Ex Parte*: Georgia M. Spruill, petitioner. Motion for leave to file petition for writ of enjoinder is denied.

No. —. *In Re Disbarment of Maurice R. Woulfe*. It having been shown to the Court that Maurice R. Woulfe, a member of the Bar

of this Court, has been disbarred from the practice of the law by the District Court of the United States for the Eastern District of Louisiana,

It is ordered, pursuant to rule 2, paragraph 5 of the Rules of this Court that the said Maurice R. Woulfe be, and he is hereby, suspended from practice before this Court, and that he show cause, by written return, within forty days of this date, why he should not be disbarred from the further practice of the law before this Court.

No. 13, original. State of New Jersey, complainant, *v.* State of Delaware. An order is entered fixing the compensation and allowing the expenses of the Special Master herein.

No. 771. Ernest Washington, petitioner, *v.* Charles Carter, Agent for the State of Indiana. On petition for writ of certiorari to the Court of Appeals of the District of Columbia. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 774. Dr. W. D. Hankins, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 707. Frank Massey, petitioner, *v.* The United States of America. The order entered February 12 denying petition for writ of certiorari in this case is revoked. The petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, limited to the question presented upon the petition for rehearing and the case is assigned for argument on Monday, March 5 next, after the cases heretofore assigned for that day.

No. 655. Roland Boynton, Attorney General of the State of Kansas, petitioner, *v.* The Hutchinson Gas Company. Petition for writ of certiorari to the Supreme Court of the State of Kansas granted, and the case assigned for argument on Monday, March 5 next, after the cases heretofore assigned for that day.

No. 640. The United States, petitioner, *v.* United States Light & Heat Corporation;

No. 641. The United States, petitioner, *v.* United States Light & Heat Corporation; and

No. 642. The United States, petitioner, *v.* United States Light & Heat Corporation. Petition for writs of certiorari to the Court of Claims denied.

No. 643. The United States, petitioner, *v. M. and M. Company*. Petition for writ of certiorari to the Court of Claims denied.

No. 644. The United States, petitioner, *v. Englert Manufacturing Company*. Petition for writ of certiorari to the Court of Claims denied.

No. 645. The United States, petitioner, *v. Universal Battery Company*. Petition for writ of certiorari to the Court of Claims denied.

No. 687. Morse Dry Dock & Repair Company, petitioner, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 694. North Dakota-Montana Wheat Growers Association, petitioner, *v. The United States of America*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 703. Columbian Carbon Company, Southern Carbon Company, and Midland Carbon Company, petitioners, *v. The United States*. Petition for writ of certiorari to the Court of Claims denied.

No. 715. City of Owatonna, petitioner, *v. Interstate Power Company and Donovan Construction Company*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 717. William J. Stratton, Secretary of State of the State of Illinois, petitioner, *v. St. Louis Southwestern Railway Company*. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 718. William J. Stratton, Secretary of State of the State of Illinois, petitioner, *v. United States Pipe and Foundry Company*. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 719. Southern Pacific Company, petitioner, *v. G. A. Gibson*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 721. Commercial Credit Corporation of Baltimore, petitioner, *v. Central Auto Renting Corporation*. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 729. Appalachian Electric Power Company, petitioner, *v. George Otis Smith, Frank R. McNinch, et al, etc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 730. The C. Pardee Works, petitioner, *v. Charles V. Duffy*, formerly collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 399. National Linen Service Corporation, trading as Richmond Linen Supply Company, appellant, *v.* City of Lynchburg, Virginia, its mayor, et al. Petition for rehearing denied.

No. 693. United States Fidelity and Guaranty Company, petitioner, *v.* W. K. Howard, Receiver of First National Bank of Sandersville. Petition for rehearing denied.

No. 779. The United States of America, appellant, *v.* Frederick B. Campbell. Motion to reinstate appeal submitted by Mr. Frederick B. Campbell for the appellee, and the motion denied.

No. 18, original. The Commonwealth of Pennsylvania, complainant, *v.* The State of Arkansas. Answer of the defendant presented.

Adjourned until Monday, March 5, at 12 o'clock.

The day call for Monday, March 5, will be as follows: Nos. —, original, Principality of Monaco *v.* State of Mississippi, 361, 707, 655, 463, 547, 555, 565, 575, and 578.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

William L. Hunter, of Chicago, Ill.; Kenneth Lyddane, of Rockville, Md.; Philip D. Macbride, of Seattle, Wash.; M. D. Kirk, of Tulsa, Okla.; Paul E. Roadifer, of Council Bluffs, Iowa; Wm. H. McClendon, Jr., of New Orleans, La.; J. Leonard Townsend, of Chevy Chase, Md.; Catherine A. McKenna, of Los Angeles, Calif.; J. Irving McKenna, of Los Angeles, Calif.; James F. Shepherd, of Cheboygan, Mich.; Joseph Sterling, of New York City; Marvin J. Laronge, of Cleveland, Ohio; David Baron, of Saint Louis, Mo.; Dalton Dwyer, of New York City; Emanuel Redfield, of New York City; W. H. Peters, Jr., of Knoxville, Tenn.; Albert E. Kane, of New York City; Lucius A. Buck, of West Palm Beach, Fla.; and Harold Davis, of New York City, were admitted to practice.

No. 89. Life & Casualty Insurance Company of Tennessee, appellant, *v.* Ossie McGray. Appeal from the Supreme Court of the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice Cardozo. Mr. Justice Van Devanter, Mr. Justice Sutherland, and Mr. Justice Butler dissent in respect of the 12% penalty or damages.

No. 509. Life & Casualty Insurance Company of Tennessee, appellant, *v.* Albert Barefield. Appeal from the Supreme Court of the State of Arkansas. Judgment affirmed, with costs. Opinion by Mr. Justice Cardozo.

No. 429. The Travelers Protective Association of America, petitioner, *v.* Uluetta Prinsen. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment of the Circuit Court of Appeals reversed with costs and judgment of the District Court of the United States for the District of Utah affirmed, and cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo. Dissenting opinion by Mr. Justice Stone.

No. 531. Leo Nebbia, appellant, *v.* The People of the State of New York. Appeal from the County Court of Monroe County, State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Roberts. Separate opinion by Mr. Justice McReynolds in which Mr. Justice Van Devanter, Mr. Justice Sutherland, and Mr. Justice Butler concur.

No. 325. Inger Juliane Hansen, petitioner, *v.* Edward L. Haff, Acting Commissioner of Immigration for the Port of San Francisco. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Butler.

No. 419. Globe Indemnity Company, petitioner, *v.* The United States of America to the use of Steacy-Schmidt Manufacturing Company, Incorporated. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 515. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Newport Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed, and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 295. Florence Samuels Landress, petitioner, *v.* Phoenix Mutual Life Insurance Company and Travelers Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of Tennessee. Opinion by Mr. Justice Stone. Dissenting opinion by Mr. Justice Cardozo.

No. 355. Trinityfarm Construction Company, appellant, *v.* Alice Lee Grosjean, Supervisor of Public Accounts for the State of Louisiana. Appeal from the District Court of the United States for the Eastern District of Louisiana. Decree affirmed with costs. Opinion by Mr. Justice Butler. Mr. Justice Cardozo concurs in the result.

No. 526. Ebba Pagel, Annie Corey, Clara Hallbom, and Charles Hallbom, petitioners, *v.* Edward Pagel, as Administrator of the

Estate of Jacob E. Hallbom, et al. On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Butler.

No. 435. Santos Miguel, petitioner, *v.* J. Raymond McCarl, Comptroller General of the United States, and Frederick W. Coleman, Chief of Finance, United States Army. On writ of certiorari to the Court of Appeals of the District of Columbia. Decree reversed as to respondent Coleman and affirmed as to the Comptroller General, and cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 422. The United States of America, Interstate Commerce Commission, et al., appellants, *v.* Illinois Central Railroad Company, et al. Appeal from the District Court of the United States for the District of Delaware. Decree reversed, and cause remanded to the said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland. Concurring opinion by Mr. Justice Stone in which Mr. Justice Brandeis, Mr. Justice Roberts, and Mr. Justice Cardozo join.

No. 290. Chase National Bank of the City of New York, Successor Trustee to the Equitable Trust Company of New York, N.Y., petitioners, *v.* The City of Norwalk, Ohio. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree reversed with costs, and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 349. Guy T. Helvering, Commissioner of Internal Revenue, petitioner *v.* American Chicle Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment reversed, and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 477. Noah Best, Administrator of the Estate of Albert Edward Best, deceased, petitioner *v.* District of Columbia. On writ of certiorari to the Court of Appeals of the District of Columbia. Judgment reversed with costs, and cause remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Hughes.

No. 343. Hamburg-American Line, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for

the Southern District of New York. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 726. Leo F. Jarvis and W. J. Simpson, appellants, *v.* People of the State of California. Appeal from and on petition for writ of certiorari to the District Court of Appeal, 4th Appellate District, State of California. *Per curiam:* The appeal herein is dismissed for the want of a substantial Federal question. Federal Compress & Warehouse Co. *v.* McLean, 290 U.S. — (decided January 8, 1934; pp. 3-4 pamphlet print); Southern Ry. Co. *v.* King, 217 U.S. 524, 534; Darnell *v.* Indiana, 226 U.S. 390, 398; Dahnke-Walker Co. *v.* Bondurant, 257 U.S. 282, 289; Roberts & Schaefer Co. *v.* Emmerson, 271 U.S. 50, 54-55; Liberty Warehouse Co. *v.* Burley Tobacco Growers Association, 276 U.S. 71, 88. The petition for writ of certiorari is denied.

No. 768. Western & Atlantic Railroad, appellant, *v.* Mrs. Vinnie Michael. Appeal from the Supreme Court of the State of Georgia. *Per curiam:* The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a substantial Federal question. Pizitz *v.* Yeldell, 274 U.S. 112, 116; Staten Island Ry. Co. *v.* Phoenix Indemnity Co., 281 U.S. 98, 107, 108; Silver *v.* Silver, 280 U.S. 117, 123; Sproles *v.* Binford, 286 U.S. 374, 396.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 782. Mrs. C. D. Gillen, petitioner, *v.* American Employers' Insurance Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 805. Wilbur B. Foshay and Henry H. Henley, petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted finds no ground upon which a writ

of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 809. Mrs. J. S. Connor, petitioner, *v.* Alabama Great Southern Railroad Company et al. On petition for writ of certiorari to the Supreme Court of the State of Alabama. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 18, original. Commonwealth of Pennsylvania, complainant, *v.* State of Arkansas. The answer of the defendant is received and ordered to be filed.

No. 787. Illinois Commerce Commission et al., appellants, *v.* The United States of America et al. In this case probable jurisdiction is noted. The motion to advance is granted and the case is assigned for argument on Monday, April 30, next.

No. 128. The Texas & Pacific Railway Company, petitioner, *v.* S. O. Pottorff, Receiver of the First National Bank of El Paso, Texas. Ordered, that the opinion in this case be amended as follows: By striking out the following now appearing in note 15 on page 8 of said opinion:

To insure fulfilment of this function the Government subjects national banks to close and constant supervision so as to maintain the solvency of the bank. It is made a crime to accept a deposit with knowledge of insolvency. Only when the bank's condition measures up to the prescribed standards of safety and liquidity may deposits be received.

No. 727. Spring City Foundry Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 728. Spring City Foundry Company, petitioner, *v.* Commissioner of Internal Revenue. The petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted limited to the question whether a debt ascertained to be partially worthless in 1920 was deductible in that year under either Section 234 (a) (4) or Section 234 (a) (5) and to the question whether the debt was returnable as taxable income in that year to the extent that it was then ascertained to be worthless.

No. 742. Bertha Meyer Smith, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. —, original. Ex Parte: The United Engineering and Foundry Co. The motion for leave to file petition for writ of mandamus is denied.

No. 766. United Engineering and Foundry Co., petitioner, *v.* The Cold Medal Process Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 711. Mahoning Investment Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied. The motion to remand is also denied.

No. 712. Rochester & Pittsburgh Coal & Iron Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied. The motion to remand is also denied.

No. 706. Atlantic Mills of Rhode Island, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 724. W. W. Wheelock and William G. Bierd, as Receivers of the Chicago & Alton Railroad Company, petitioners, *v.* Gladys M. Young, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 725. The Mutual Life Insurance Company of New York, petitioner, *v.* Wells Fargo Bank & Union Trust Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 735. John Hugart, petitioner, *v.* A. C. Aderhold, Warden United States Penitentiary, Atlanta, Georgia. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 737. George H. Wigton, petitioner, *v.* Conway P. Coe, U.S. Commissioner of Patents. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 738. Big Lake Oil Company, petitioner, *v.* D. B. Heiner, Collector of Internal Revenue of the United States for the Twenty Third District of Pennsylvania. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 739. Joel T. Boone, petitioner, *v.* Virginia B. Phelps. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 746. Arthur G. Previn, petitioner, *v.* Tenacre Incorporated, George Barmore et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 747. Henry Siefke, Samuel Holland, and George Rosenblum, petitioners, *v.* George D. Wick, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 750. The Buffalo Dry Dock Company, petitioner, *v.* Victor Salkeld and Dorr E. Warner. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 756. The General Chemical Company, petitioner, *v.* The Selden Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 757. American Surety Company of New York, petitioner, *v.* The Bankers Savings & Loan Association of Omaha, Nebraska. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 759. The Southern Railway Company, petitioner, *v.* David Sevier Wilbanks. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 760. The Southern Railway Company, petitioner, *v.* Mrs. Daisy Lawrence. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 769. Mrs. Mary Price Orr, Rees Price Orr, and James W. Orr, petitioners, *v.* William C. Neilly, Trustee of Lane Drug Stores, Inc., Bankrupt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 698. Rucks-Brandt Construction Company, petitioner, *v.* Chas. Price, Sheriff of Tulsa County, Oklahoma, and C. C. Silver. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 736. The United States of America, *ex rel.* Lizzie Dean, in Behalf of Mohamed Mahfood, *alias* Albert Mohfus, petitioner, *v.* E. P. Reynolds and C., A. Palmer, United States Immigration Inspector, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 745. Revere Sugar Refinery, American Sugar Refinery Company, et al., petitioners, *v.* Pennsylvania Trust Company of Pittsburgh, Receiver, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 752. Benrus Watch Company and S. H. Pomerance Co., Inc., petitioners, *v.* The United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 754. Henry A. Wallace, Secretary of Agriculture, et al., petitioners, *v.* The Board of Trade of the City of Chicago; and

No. 755. Farmers National Grain Corporation, petitioner, *v.* Board of Trade of the City of Chicago. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 758. Baltimore and Ohio Railroad Company, petitioner, *v.* Joseph Zahrobsky. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 761. Peerless Motor Car Corporation, petitioner, *v.* George Taylor, on behalf of himself and on behalf of all other stockholders of Peerless Motor Car Corporation. Petition for writ of certiorari to the Supreme Court of the State of Ohio denied.

No. 764. The Centmont Corporation, petitioner, *v.* John Marsch. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 765. The Union National Bank of Pittsburgh and Scott H. Nesbit, Trustees, etc., et al., petitioners, *v.* Fidelity Trust Company, Administrator, etc. Petition for writ of certiorari to the Supreme Court of the State of Pennsylvania denied.

No. 770. Columbian National Life Insurance Company, petitioner, *v.* Morton Halsband. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 777. H. H. Miller, petitioner, *v.* R. L. Van Zandt, Receiver of the Texas National Bank. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 311. Ida A. Van Dyke, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 312. Cleve W. Van Dyke, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for rehearing denied.

No. 347. Standard Oil Company of California, appellant, *v.* The People of the State of California. Petition for rehearing denied.

No. 653. New Amsterdam Casualty Company, petitioner, *v.* The United States of America. Petition for rehearing denied.

No. 838. The United States of America, appellant, *v.* James B. Brown, Charles F. Jones, et al. Appeal from the District Court of the United States for the Western District of Kentucky. Dismissed and mandate granted on motion of Mr. Solicitor General Biggs for the appellant.

No. —, original. Ex parte: Richfield Oil Company of California, et al., petitioners. Motion for leave to file petitions for writs of mandamus submitted by Mr. George B. Springston for the petitioners.

No. 34. Keystone Driller Company, petitioner, *v.* General Excavator Company;

No. 35. Keystone Driller Company, petitioner, *v.* General Excavator Company;

No. 36. Keystone Driller Company, petitioner, *v.* The Osgood Company; and

No. 37. Keystone Driller Company, petitioner, *v.* The Osgood Company. Motion to recall mandates submitted by Mr. Challon B. Ellis for the respondents in support of the motion, and by Mr. Frank O. Richey and Mr. William H. Boyd, for the petitioner in opposition thereto.

No. 128. The Texas & Pacific Railway Company, petitioner, *v.* S. O. Pottorff, Receiver of the First National Bank of El Paso, Texas. Time within which to file petition for rehearing extended for two weeks on motion of Mr. John C. Donnally in behalf of counsel for the petitioner.

No. 10, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana et al. Report No. 8 of defendant State of Indiana presented.

No. 18, original. Commonwealth of Pennsylvania, complainant, *v.* State of Arkansas. Bill of complaint dismissed without prejudice on motion of Mr. William A. Schnader for the complainant.

No. —. original. *Ex Parte*: Principality of Monaco, plaintiff, *v.* State of Mississippi. Argument on the rule and return commenced by Mr. Frederic R. Coudert for the plaintiff; continued by Mr. Dean Emery for the plaintiff; by Mr. J. A. Lauderdale and Mr. Greek L. Rice for the defendant; and concluded by Mr. Frederic R. Coudert for the plaintiff. Leave granted plaintiff to file additional brief by Friday, March 9th.

No. 707. Frank Massey, petitioner, *v.* The United States of America. Argued by Mr. Edward F. Colladay for the petitioner, and by Mr. Solicitor General Biggs for the respondent.

No. 547. New Colonial Ice Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Joseph Sterling for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 6, will be as follows: Nos. 547, 463, 588, 589, 565, 555, 575, 578, 579, and 580 (581 and 582).

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Thos. J. Dixon, of Los Angeles, Calif.; Don F. Tyler, of Los Angeles, Calif.; Patrick A. McCarran, of Reno, Nev.; Abraham M. Davis, of New York City; Blake A. Williamson, of Kansas City, Kan.; Edward J. Robins, of Fremont, Nebr.; John C. Noonan, of Philadelphia, Pa.; Randell Larson, of San Francisco, Calif.; George A. Work, of San Francisco, Calif.; Charles F. Metteer, of Sacramento, Calif.; James W. McAfee, of St. Louis, Mo.; Charles E. Mason, of Waukegan, Ill.; Wallace Streeter, of Washington, D.C.; John F. Dockweiler, of Los Angeles, Calif.; and Ralph R. Eltse, of Berkeley, Calif., were admitted to practice.

No. 547. New Colonial Ice Company, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argument continued by Mr. Joseph Sterling for the petitioner, and concluded by Mr. H. Brian Holland for the respondent.

No. 463. Hans Elliot and United States Fidelity and Guaranty Company, petitioners, *v.* Thomas R. Lombard. Argued by Mr. Wm. H. McClendon, Jr., for the petitioners, and by Mr. Purnell M. Milner for the respondent. Leave granted respondent to file additional brief by Friday next.

No. 588. M. C. Hinderlider, as State Engineer of the State of Colorado, et al., etc., appellants, *v.* The La Plata River and Cherry Creek Ditch Company. Argument commenced by Mr. Ralph L. Carr for the appellants, and continued by Mr. Reese McCloskey for the appellee.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 7th, will be as follows: Nos. 588, 589, 565, 555, 575, 579, 578, 585, 580 (581 and 582), and 597.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Alex G. McKnight, of Duluth, Minn.; Sanford Trippet, of Princeton, Ind.; James B. Hodges, of Lake City, Fla.; Linton M. Collins, of Miami, Fla.; William A. Dougherty, of Cleveland, Ohio; Floyd L. Knight, of Miami, Fla.; Ralph G. Boyd, of Boston, Mass.; Frank H. Wang, of Balboa Heights, Canal Zone; Roy A. Cheney, of Washington, D.C.; and Jno. E. Shepard, of Covington, Ky., were admitted to practice.

No. 588. M. C. Hinderlider, as State Engineer of the State of Colorado, et al., etc., appellants, *v.* The La Plata River and Cherry Creek Ditch Company. Argument continued by Mr. Reese McCloskey for the appellee, and concluded by Mr. Paul P. Prosser for the appellants.

No. 589. A. Magnano Company, appellant, *v.* G. W. Hamilton, as Attorney General of the State of Washington, et al., etc. Argued by Mr. Otto B. Rupp for the appellant, and by Mr. E. P. Donnelly and Mr. Philip D. MacBride for the appellees.

No. 565. Ruth Loughran, petitioner, *v.* John Loughran, et al., etc. Argued by Mr. Robert H. McNeill for the petitioner, and by Mr. Wm. E. Leahy for the respondents. Leave granted petitioner to file an additional brief within two days.

No. 555. Mona Motor Oil Company, appellant, *v.* Ray E. Johnson, Treasurer of the State of Iowa, et al. Argument commenced by Mr. Paul E. Roadifer for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 8, will be as follows: Nos. 555, 575, 579, 578, 585, 580 (581 and 582), 597, 627, 635, and 650.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

William St. John Wines, of Springfield, Ill.; and Marshall S. Snyder, of Minneapolis, Minn., were admitted to practice.

No. 555. *Mona Motor Oil Company, appellant, v. Ray E. Johnson, Treasurer of the State of Iowa, et al.* Argument continued by Mr. Paul E. Roadifer for the appellant; by Mr. L. W. Powers for the appellees; and concluded by Mr. M. D. Kirk for the appellant.

No. 575. *John L. Gilvary, petitioner, v. Cuyahoga Valley Railway Company.* Argued by Mr. M. L. Bernstein for the petitioner, and by Mr. W. T. Kinder for the respondent.

No. 579. *Charles Ilfeld Company, petitioner, v. B. C. Hernandez, Collector of Internal Revenue, etc.* Argued by Mr. A. T. Hannett for the petitioner, and by Mr. Erwin N. Griswold for the respondent.

No. 578. *Alice Aschenbrenner, petitioner, v. United States Fidelity & Guaranty Company.* Argued by Mr. Randell Larson for the petitioner, and by Mr. George A. Work for the respondent.

No. 585. *John Pokora, petitioner, v. The Wabash Railway Company.* Argument commenced by Mr. Wm. St. J. Wines for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 9, will be as follows: Nos. 585, 580 (581 and 582), 597, 627, 635, 650, 651, 614, 608, and 609.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

James Kirkman Jackson, of Birmingham, Ala.; Lucien D. Gardner, Jr., of Birmingham, Ala.; David J. Erickson, of Duluth, Minn.; John T. Pearson, of Parsons, Kans.; Theodore Sherman Class, of New York City; John S. Boyden, of Salt Lake City, Utah; and J. L. Shaver, of Wynne, Ark., were admitted to practice.

No. 585. John Pokora, petitioner, *v.* The Wabash Railway Company. Argument continued by Mr. Wm. St. John Wines for the petitioner; by Mr. Homer Hall for the respondent; and concluded by Mr. Wm. St. John Wines for the petitioner. Leave granted respondent to file an additional brief within one week.

No. 580. Elias A. Olson, petitioner, *v.* The United States of America;

No. 581. Randor G. Karlson, petitioner, *v.* The United States of American; and

No. 582. Harry Brewster, petitioner, *v.* The United States of America. Three hours allowed for oral argument. Argument commenced by Mr. I. K. Lewis for the petitioners; continued by Mr. Charles Bunn for the respondent; by Mr. George Wharton Pepper for the Government of the Dominion of Canada, appearing pursuant to the Provisions of the Protocol accompanying Convention to Regulate the Level of the Lake of the Woods, February 24, 1925; and concluded by Mr. I. K. Lewis for the petitioners.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 12, will be as follows: Nos. 597, 627, 361, 635, 608, 609, 614, 650, 651, and 611.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Harold D. Saylor, of Philadelphia, Pa.; Paul G. Eckelberry, of Columbus, Ohio; Edward G. Dobrin, of Seattle, Wash.; Douglas M. Moffat, of New York City; and Sidney J. Hayles, of Atlanta, Ga., were admitted to practice.

No. 363. The Arrow-Hart & Hegeman Electric Company, petitioner, *v.* Federal Trade Commission. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree reversed and cause remanded to said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Dissenting opinion by Mr. Justice Stone in which the Chief Justice, Mr. Justice Brandeis, and Mr. Justice Cardozo concur.

No. 428. H. Chassaniol et al., appellants, *v.* City of Greenwood. Appeal from the Supreme Court of the State of Mississippi. Judgment affirmed with costs. Opinion by Mr. Justice Brandeis.

The Chief Justice announced the following orders of the Court:

No. 707. Frank Massey, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. *Per curiam*: It appeared, on rehearing, that the petitioner and others were indicted on March 4, 1932, in the District Court of the United States for the Southern District of Indiana for conspiring to violate the National Prohibition Act; that the petitioner was found guilty by a jury on May 20, 1932, and, with others, was sentenced to fine and imprisonment by a judgment entered in that court on June 3, 1932; that, on appeal, the judgment, as to the petitioner, was affirmed by the United States Circuit Court of Appeals for the Seventh Circuit on August 7, 1933, and that a petition for rehearing duly filed by him in that court was denied on October 10, 1933. It further appeared that on October 11, 1933, the Circuit Court of Appeals, upon consideration of a motion by the petitioner for a stay of mandate pending a petition

to this Court for writ of certiorari, stayed its mandate until its further order, and ordered that the petitioner proceed with diligence and promptly file the petition for writ of certiorari in this Court. Petition for writ of certiorari was filed in this Court on January 6, 1934, and within the time provided by law.

The Solicitor General appeared on behalf of the Government upon the rehearing and stated his view to be that this case is controlled by the decision in *United States v. Chambers*, 290 U.S. — (decided February 5, 1934), and that the judgment of the court below should be reversed.

The Court is of the opinion that it appears from the record that no final judgment was rendered herein against the petitioner prior to the ratification of the Twenty-first Amendment. The judgment of the Circuit Court of Appeals, as entered in the cause of this petitioner, is accordingly reversed, and the cause is remanded to the District Court with direction to vacate that part of its judgment which sentences this petitioner, and to dismiss the indictment as to him. *United States v. Chambers*, 290 U.S. — (decided February 5, 1934; p. 5, pamphlet print). It is so ordered.

No. 588. *M. C. Hinderlider*, as State Engineer of the State of Colorado, et al., etc., appellants, *v. The La Plata River and Cherry Creek Ditch Company*. Appeal from the Supreme Court of the State of Colorado. *Per curiam*: The appeal herein is dismissed for the want of a final judgment. *Haseltine v. Central National Bank*, 183 U.S. 130; *Schlosser v. Hemphill*, 198 U.S. 173, 175; *Louisiana Navigation Co. v. Oyster Commission*, 226 U.S. 99, 101; *Gulf Refining Co. v. United States*, 269 U.S. 125, 135, 136; *Georgia Ry. Co. v. Decatur*, 262 U.S. 432, 437.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. —, original. *Ex parte*: *Richfield Oil Company of California et al.*, petitioners. The motions for leave to file petitions for writs of mandamus are denied.

No. —, original. *Ex parte*: *H. Ely Goldsmith*, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. 827. *H. Ely Goldsmith*, petitioner, *v. The United States of America*. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 10, original. Commonwealth of Kentucky, complainant, *v.* State of Indiana. Report No. 8 of the defendant, State of Indiana, is received and ordered to be filed.

No. 34. Keystone Driller Company, petitioner, *v.* General Excavator Company;

No. 35. Keystone Driller Company, petitioner, *v.* General Excavator Company;

No. 36. Keystone Driller Company, petitioner, *v.* The Osgood Company; and

No. 37. Keystone Driller Company, petitioner, *v.* The Osgood Company. The motion to recall the mandates in these cases is denied.

No. 807. Mississippi Valley Barge Line Company, appellant, *v.* The United States of America, et al. In this case probable jurisdiction is noted.

No. 783. Local Loan Company, petitioner, *v.* William Hunt. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 388. Audley Robinson Allen, petitioner, *v.* Connecticut General Life Insurance Company, of Hartford, Connecticut. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 743. Fred H. Cole, Sr., petitioner, *v.* Raymond Van Horn, Sheriff of Yuma County, State of Colorado; and

No. 744. M. I. Stebbins, petitioner, *v.* Raymond Van Horn, Sheriff of Yuma County, State of Colorado. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 762. Edward B. Leisenring, Daniel B. Wentz, Jr., et al., executors, etc., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 767. Anna E. Robison and Earl Robison, Administrators, etc., petitioners, *v.* Chicago & Eastern Illinois Railway Company. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 781. Boston & Maine Railroad, petitioner, *v.* Edward S. Hopkins. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 400. City of Marion, Illinois, et al., petitioners, *v.* Ben Sneed, as Receiver of the City National Bank of Herrin, Illinois. Petition for rehearing denied.

No. 680. L. M. Winn, Administrator of the estate of Nannie Lee Winn, deceased, petitioner, *v.* Consolidated Coach Corporation. Petition for rehearing denied.

The Chief Justice also announced the following order:

ORDER

The Court will take a recess from Monday, March 19, to Monday, April 2, next.

No. **597**. Robert J. McKnett, petitioner, *v.* St. Louis & San Francisco Railway Company. Argued by Mr. J. K. Jackson for the petitioner, and by Mr. L. V. Gardner, Jr., for the respondent.

No. **627**. F. J. Utley and D. T. Utley, appellants, *v.* City of St. Petersburg, Florida. Argued by Mr. Lloyd D. Martin for the appellants, and by Mr. W. F. Way for the appellee.

No. **361**. Interstate Commerce Commission, petitioner, *v.* The Pennsylvania Railroad Company, and Pennsylvania Company. Re-argument commenced by Mr. Daniel W. Knowlton for the petitioner, and continued by Mr. Henry Wolf Bikle for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, March 13, will be as follows: Nos. **361, 635, 608, 609, 614, 650, 651, 611, 669, and 731.**

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Harry Clayton Cook, of Canton, Ohio; Vincent Paul Russo, of Washington, D.C.; Chas. D. Rose, of Cincinnati, Ohio; Mount K. Wild, of Fresno, Calif.; D. R. Bullard, of Houston, Tex.; Jacob Stone, of Boston, Mass.; Julius Stone, of Boston, Mass.; Thomas A. McEachern, Jr., of Memphis, Tenn.; Charles Ginsberg, of Denver, Colo.; Robert F. Klepinger, of Dayton, Ohio; Beverly B. Neal, of Dallas, Tex.; and Robert Edgar Shook, of Kansas City, Mo., were admitted to practice.

No. 361. Interstate Commerce Commission, petitioner, *v.* The Pennsylvania Railroad Company and Pennsylvania Company. Re-argument continued by Mr. Henry Wolf Bikle for the respondents, and concluded by Mr. Daniel W. Knowlton for the petitioner.

No. 635. William J. McGarrity, Administrator C.T.A. of the Estate of Marcius O. Raiguel, appellant, *v.* Delaware River Bridge Commission and the Commonwealth of Pennsylvania. Argued by Mr. John Robert Jones for the appellant, and by Mr. Harold D. Saylor for the appellee.

No. 608. The Columbus Gas and Fuel Company, appellant, *v.* The Public Utilities Commission of Ohio and the City of Columbus, Ohio. Three hours allowed for oral argument. Argued by Mr. Edward C. Turner for the appellant, and by Mr. John L. Davies and Mr. James W. Huffman for the appellees.

No. 609. The Dayton Power and Light Company, appellant, *v.* The Public Utilities Commission of Ohio. Argument commenced by Mr. John E. Mullin for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, March 14, will be as follows: Nos. **609, 614, 650, 651, 611, and 669.**

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

William L. Connor, of Los Angeles, Calif.; J. Colvin Wright, of Bedford, Pa.; L. V. Orton, of Pawnee, Okla.; William B. Jaspert, of Pittsburgh, Pa.; Clarence W. Miles, of Baltimore, Md.; and Seymour O'Brien, of Baltimore, Md., were admitted to practice.

No. 609. The Dayton Power and Light Company, appellant, *v.* The Public Utilities Commission of Ohio. Motion to amend Assignment of errors and Statement of Points to be relied upon submitted by Mr. John E. Mullin for the appellant.

No. 609. The Dayton Power and Light Company, appellant, *v.* The Public Utilities Commission of Ohio. Argument continued by Mr. John E. Mullin for the appellant; by Mr. Don C. Power for the appellee; and concluded by Mr. John E. Mullin for the appellant.

No. 614. Chris Larsen, petitioner, *v.* Northland Transportation Company, Charterer, etc. Argued by Mr. Samuel B. Bassett for the petitioner, and by Mr. Edward G. Dobrin for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, March 15, will be as follows: Nos. 650, 651, 611, and 669.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

John N. Minnich, of Bedford, Pa.; Elpidio Quirino, of Manila, P.I.; Henry F. Turner, of Paducah, Ky.; and Abraham Shamos, of New York City, were admitted to practice.

No. —, original. Ex parte: Sarah R. Heilbron and Frank E. Hirshstein, petitioners. Motion for leave to file petition for writ of prohibition and/or mandamus submitted by Mr. Abraham Shamos for the petitioners.

No. 650. Hartford Accident & Indemnity Company et al., appellants, *v.* Delta & Pine Land Company. Argued by Mr. Garner W. Green for the appellee, and case submitted by Mr. William H. Hall for the appellants.

No. 651. J. B. Gully, State Tax Collector, et al., appellants, *v.* Interstate Natural Gas Company. Argument commenced by Mr. Edward W. Smith for the appellants; and continued by Mr. David Clay Bramlette and Mr. Garner W. Green for the appellee. The Court declined to hear further argument.

No. 611. Electric Cable Joint Company, petitioner, *v.* Brooklyn Edison Company, Inc. Argument commenced by Mr. Melville Church for the petitioner; continued by Mr. Charles Neave for the respondent; and concluded by Mr. D. Anthony Usina for the petitioner.

No. 669. John N. Minnich, petitioner, *v.* Russell Gardner et al., Intervening creditors et al., etc. Argument commenced by Mr. John N. Minnich for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, March 16, will be as follows: No. 669.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

John Livingstone McCrea, of Marlette, Mich.; Joseph H. Morgan, of Prescott, Ariz., and Nicholas M. Curcio, of Wilkes-Barre, Pa., were admitted to practice.

No. 669. John N. Minnich, petitioner, *v.* Russell Gardner et al., Intervening creditors et al., etc. Argument continued by Mr. A. E. Kountz for the respondents, and concluded by Mr. John N. Minnich for the petitioner.

Adjourned until Monday, March 19, next, at 12 o'clock.

13563—34—73

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

J. L. Fuller, of McAlester, Okla., was admitted to practice.

No. 344. Puget Sound Power & Light Company, appellant, *v.* The City of Seattle. Appeal from the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Stone. Specially concurring opinion by Mr. Justice Van Devanter in which Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler concur.

No. 359. Seattle Gas Company, appellant, *v.* The City of Seattle. Appeal from the Supreme Court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Stone. Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler concur in the result.

No. 19, original. *Ex parte*: L. W. Baldwin and Guy A. Thompson, Trustees, etc., et al., petitioners. On petition for writ of mandamus. Rule discharged. Opinion by Mr. Justice Brandeis.

The Chief Justice announced the following orders of the Court:

No. 361. Interstate Commerce Commission, petitioner, *v.* The Pennsylvania Railroad Company and Pennsylvania Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. *Per curiam*: Decree affirmed, by an equally divided Court. Mr. Justice Roberts took no part in the consideration or decision of this case.

No. 608. The Columbus Gas and Fuel Company, appellant, *v.* The Public Utilities Commission of Ohio and The City of Columbus, Ohio. Appeal from the Supreme Court of the State of Ohio. *Per curiam*: The appeal herein is dismissed for the want of a final judgment. *Haseltine v. Central National Bank*, 183 U.S. 130; *Schlosser v. Hemphill*, 198 U.S. 173, 175, 176; *Louisiana Navigation Co. v.*

Oyster Comm'n., 226 U.S. 99, 101, 102; Gulf Refining Co. v. United States, 269 U.S. 125, 135, 136; Georgia Ry. Co. v. Decatur, 262 U.S. 432, 437; Hinderlider v. LaPlata River and Cherry Creek Ditch Co., 291 U.S.—(decided March 12, 1934).

No. 814. The People of the State of New York, on the relation of Harry P. Sackett, appellant, v. Thomas M. Lynch, et al., constituting the State Tax Commission of the State of New York. Appeal from the Supreme Court of the State of New York. *Per curiam*: The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of a properly presented Federal question. Kiple v. Illinois, 170 U.S. 182, 186, 187; Layton v. Missouri, 187 U.S. 356, 358; Jacobi v. Alabama, 187 U.S. 133, 135; Saltonstall v. Saltonstall, 276 U.S. 260, 267, 268.

No. 804. John H. Betts, doing business under the Fictitious Style and Firm name of John H. Betts Transportation Co., appellant, v. Railroad Commission of the State of California. Appeal from the District Court of the United States for the Southern District of California. *Per curiam*: The motion of the appellee to affirm is granted, and the decree is affirmed. Napa Valley Electric Co. v. Railroad Commission of California, 251 U.S. 366; Grubb v. Public Utilities Commission, 281 U.S. 470, 475-479; American Surety Co. v. Baldwin, 287 U.S. 156, 164, 165.

No. 840. Liggett & Myers Tobacco Company, appellant, v. The State of South Carolina. Appeal from the Supreme Court of the State of South Carolina. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the reason that the judgment of the Supreme Court of the State of South Carolina, insofar as the appellant seeks here to review it, was based upon a nonfederal ground adequate to support it. Quong Ham Wah Co. v. Industrial Commission, 255 U.S. 445, 448, 449; Knights of Pythias v. Meyer, 265 U.S. 30, 32, 33; Swiss Oil Corporation v. Shanks, 273 U.S. 392, 411, 412; Hicklin v. Coney, 290 U.S.—(decided December 4, 1933, p. 2 pamphlet print); Live Oak Water Users Association v. Railroad Commission, 269 U.S. 354, 359; Gerard Trust Co. v. Ocean & Lake Realty Co., 286 U.S. 523; Real Estate-Land Title & Trust Co. v. Springfield, 287 U.S. 577.

No. 780. William H. Griffin, appellant, v. Timothy H. McCarthy. Appeal from the Supreme Court of the State of Washington. *Per curiam*: The motion of the appellant for leave to file statement as to jurisdiction is granted. The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of jurisdiction. Sec. 237 (a) Judicial Code, as amended by the Act of

February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by Sec. 237 (c) Judicial Code as amended (43 Stat. 936, 938), the petition for writ of certiorari is denied.

The Chief Justice said:

“The other orders appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. —, original. *Ex parte*: Dock Holmes, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. *Ex parte*: Joseph Poresky, petitioner. The motion for leave to file petition for writ of mandamus is denied.

No. —, original. *Ex parte*: Sarah R. Heilbronner et al. The motion for leave to file petition for writ of prohibition and/or mandamus is denied.

No. 859. *W. D. Striplin, petitioner, v. Lawrenceburg Warehouse Company et al.* The motion of the petitioner for leave to print an abbreviated record is granted as prayed: Provided, that the petitioner's designation of parts of the record to be printed shall be served upon respondents within five days of this date, and that the respondents shall have five days from such service within which to file with the Clerk a designation of such additional portions of the record to be printed as may be necessary to the consideration of the petition for writ of certiorari. If it shall appear to the Court that the respondents have caused unnecessary parts of the record to be printed, such order as to printing and Clerk's costs shall be made as the Court shall think proper. Rule 13, par. 9. The service required by rule 38, par. 3, shall be made within 10 days after the completion of the printing of the record.

No. 847. *William Langer, as Governor of the State of North Dakota, et al., appellants, v. Grandin Farmers Co-operative Elevator Company of Grandin, North Dakota, et al.* In this case probable jurisdiction is noted and the case is assigned for argument on Monday, April 30, next after the cases heretofore assigned for that day.

No. 832. *Oklahoma Gas and Electric Company, et al., etc., appellants, v. Oklahoma Packing Company et al.;*

No. 843. *Gypsy Oil Company, appellant, v. Oklahoma Tax Commission et al.;* and

No. 869. *The United States of America, appellant, v. J. W. Smith et al.* In these cases probable jurisdiction is noted.

No. 791. Sewell Lee Avery, petitioner, *v.* Commissioner of Internal Revenue; and

No. 792. Sewell L. Avery, petitioner, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 795. Urey Woodson, as Alien Property Custodian, etc., et al., petitioners, *v.* Deutsche Gold und Silber Scheideanstalt Vormals Roessler, etc. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 786. Burns Mortgage Company, Inc., petitioner, *v.* Erwin M. Fried. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 820. The Fairport, Painesville & Eastern Railroad Company, petitioner, *v.* Mayme F. Meredith. Petition for writ of certiorari to the Court of Appeals, 7th Judicial District, State of Ohio, granted.

No. 802. John C. Lewis, as Receiver of the Hancock National Bank of Sparta, Georgia, petitioner, *v.* Fidelity & Deposit Company of Maryland. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 666. Dr. L. H. Ferguson, Mayor of the City of Monett, Missouri, petitioner, *v.* The State of Missouri on the Information of Royle Ellis, Prosecuting Attorney for Barry County, Missouri, et al. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 733. Amplus Storage Battery Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 772. Charles K. Cregier, petitioner, *v.* Conway P. Coe, Commissioner of Patents. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 773. Ford Motor Company, a corporation, to the use and benefit of Jewel Tea Co., Inc., petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 776. Patrick J. Lucey, Receiver of National Life Insurance Company of the United States of America, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 778. The Missouri Pacific Railroad Company, petitioner, *v.* Mildred Homan. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 785. Northwest Utilities Securities Corporation, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 793. Hidalgo County Drainage District No. 1, petitioner, *v.* H. D. Creath, Receiver of First National Bank of Smithville. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 788. Eva C. Kensey, Administratrix of the Estate of John Kensey, deceased, petitioner, *v.* Central Railroad Company of New Jersey. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 797. George R. Benson, petitioner, *v.* R. C. Sullivan, Receiver of the Inland-Irving National Bank of Chicago. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 810. The Springfield Fire and Marine Insurance Company, petitioner, *v.* The J. T. Wilson Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 763. The United States, petitioner, *v.* Fidelity Investment Association. Petition for writ of certiorari to the Court of Claims denied.

No. 784. Maryland Casualty Company, petitioner, *v.* O. M. Seay, T. P. Hull, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 794. Felicia DeLuca, as Administratrix of the Goods, Chattels and Credits which were of Giovanni DeLuca, deceased, petitioner, *v.* Shepard Steamship Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 796. Illinois Bankers Life Association of Monmouth, Illinois, et al., petitioners, *v.* S. L. Talley, Administrator of the Estate of Thomas F. Scoggins, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 798. General Securities Corporation, petitioner, *v.* City of Homewood, a Municipal Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 800. Katharine Minot Channing, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 738. Big Lake Oil Company, petitioner, *v.* D. B. Heiner, Collector of Internal Revenue of the United States for the Twenty Third District of Pennsylvania. Petition for rehearing denied.

No. 768. Western & Atlantic Railroad, appellant, *v.* Mrs. Vinnie Michael. Petition for rehearing denied.

No. —. In Re Disbarment of Maurice R. Woulfe. Thirty days additional time granted within which to file return to rule to show cause.

No. 355. Trinityfarm Construction Company, appellant, *v.* Alice Lee Grosjean, Supervisor of Public Accounts for the State of Louisiana. Time within which to file petition for rehearing extended thirty days and mandate stayed on motion of Mr. John C. White in behalf of counsel for appellant.

Adjourned until Monday, April 2 next, at 12 o'clock.

The day call for Monday, April 2, will be as follows: Nos. 655, 660, 727 (and 728), 731, 689 (and 722), 783, 791 (and 792), and 807.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Ray S. Pierson, of Burlington, Kan.; W. F. Norrell, of Monticello, Ark.; Richard H. Tyrrell, of Milwaukee, Wis.; Lionel B. Browne, of San Francisco, Calif.; W. G. Paul, of Los Angeles, Calif.; Clement F. Springer, of Chicago, Ill.; Henry Jadd, of Buffalo, N.Y.; Thos. M. Darnall, of Roanoke, Va.; Marcy Finkelstein, of New York City; and Paul L. Selby, of Columbus, Ohio, were admitted to practice.

No. 585. John Pokora, petitioner, *v.* The Wabash Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Southern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 627. F. J. Utley and D. T. Utley, appellants, *v.* City of St. Petersburg, Florida. Appeal from the Supreme Court of the State of Florida. Dismissed for want of jurisdiction. Opinion by Mr. Justice Cardozo.

No. 449. E. W. Clark, as Receiver, petitioner, *v.* Harry O. Williard, W. W. Wheaton, and C. W. Hay, as Trustees of Gordon Campbell-Kevin Syndicate et al. On writ of certiorari to the Supreme Court of the State of Montana. Decree vacated with costs insofar as it adjudges the validity and priority of respondents' execution and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Cardozo. Separate opinion by Mr. Justice McReynolds.

No. 555. Monamotor Oil Company, appellant, *v.* Ray E. Johnson, Treasurer of the State of Iowa, et al. Appeal from the District Court of the United States for the Southern District of Iowa. Decree affirmed with costs. Opinion by Mr. Justice Roberts.

No. 611. Electric Cable Joint Company, petitioner, *v.* Brooklyn Edison Company, Inc. On writ of certiorari to the United States

Circuit Court of Appeals for the Second Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Eastern District of New York. Opinion by Mr. Justice Stone.

No. 578. Alice Aschenbrenner, petitioner, *v.* United States Fidelity & Guaranty Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 498. The Federal Land Bank of Berkeley, petitioner, *v.* Samuel S. Warner et ux, et al. On writ of certiorari to the Supreme Court of the State of Arizona. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Butler.

No. 575. John L. Gilvary, petitioner, *v.* Cuyahoga Valley Railway Company. On writ of certiorari to the Supreme Court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Butler. Mr. Justice Stone and Mr. Justice Cardozo concur in the result.

No. 579. Charles Ilfeld Company, petitioner, *v.* B. C. Hernandez, Collector of Internal Revenue for the District of New Mexico. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the District of New Mexico. Opinion by Mr. Justice Butler.

No. 589. A. Magnano Company, appellant, *v.* G. W. Hamilton, as Attorney General of the State of Washington, et al., etc. Appeal from the District Court of the United States for the Western District of Washington. Decree affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 669. John N. Minnich, petitioner, *v.* Russell Gardner et al., Intervening Creditors, and D. C. Reiley, Trustee of King Motor Co., Bankrupt. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Sutherland.

No. 663. Charles E. Gay, Jr., Receiver of Savannah & Atlanta Railway, petitioner, *v.* Major Ruff. On writ of certiorari to the

United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Southern District of Georgia. Opinion by Mr. Justice Brandeis.

No. 614. Chris Larsen, petitioner, *v.* Northland Transportation Company, Charterer of the American Motor Vessel "Norco." On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Western District of Washington. Opinion by Mr. Justice McReynolds.

No. 342. State of Florida, Eugene S. Matthews, Mamie Eaton Greene, and W. B. Douglass, etc., et al., appellants, *v.* The United States of America, Interstate Commerce Commission, Georgia Public Service Commission, and Atlantic Coast Line Railroad Company. Appeal from the District Court of the United States for the Northern District of Georgia. Decree affirmed. Opinion by Mr. Chief Justice Hughes.

No. 824. State of Missouri, appellant, *v.* Missouri Pacific Railway Company, Missouri Pacific Railroad Company and L. W. Baldwin, Receiver. Appeal from the District Court of the United States for the Eastern District of Missouri. Dismissed for want of jurisdiction. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

No. 651. J. B. Gully, State Tax Collector, et al., appellants, *v.* Interstate Natural Gas Company. Appeal from the District Court of the United States for the Southern District of Mississippi. Decree reversed with costs, and cause remanded for further proceedings in conformity with opinion of this Court.

No. 635. William J. McGarrity, Administrator C.T.A. of the Estate of Marcius O. Raiguel, appellant, *v.* Delaware River Bridge Commission and The Commonwealth of Pennsylvania. Appeal from the Court of Common Pleas No. 1, Philadelphia County, Commonwealth of Pennsylvania. Appeal dismissed for want of properly presented substantial federal question. Opinion, *per curiam*, announced by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 885. Frank Silsby, appellant, *v.* The State of Louisiana. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The motion for leave to proceed further herein *in forma pauperis* is denied. The appeal is dismissed for the want of jurisdiction. Sec. 237 (a) Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon

the appeal was allowed as a petition for writ of certiorari as required by Sec. 237 (c) Judicial Code as amended (43 Stat. 936, 938), certiorari is denied.

No. 857. Ralph Sollitt & Sons Construction Company, appellant, *v.* The Commonwealth of Virginia. Appeal from the Supreme Court of Appeals of the State of Virginia. *Per curiam:* The appeal herein is dismissed for the want of a substantial federal question. *Ohio River Contract Co. v. Gordon*, 244 U.S. 68, 71, 72; *Gromer v. Standard Dredging Co.*, 224 U.S. 362, 371, 372; *Equitable Life Assurance Society v. Brown*, 187 U.S. 308, 311; *Wabash R.R. Co. v. Flannigan*, 192 U.S. 29; *Roe v. Kansas*, 278 U.S. 191; *American Baseball Club v. Philadelphia*, 290 U.S. —.

No. 863. Frank Knass and Dina Knass, appellants, *v.* Madison and Kedzie State Bank, Will H. Wade, Receiver of Madison and Kedzie State Bank, et al. Appeal from the Supreme Court of the State of Illinois. *Per curiam:* The motions of the appellees to dismiss the appeal herein are granted, and the appeal is dismissed for the want of a substantial federal question. *Quong Ham Wah Co. v. Industrial Commission*, 255 U.S. 445, 448, 449; *Tidal Oil Co. v. Flanagan*, 263 U.S. 444, 451; *Knights of Pythias v. Meyer*, 265 U.S. 30, 32, 33; *Hicklin v. Coney*, 290 U.S. 169, 172.

No. 862. Sarah Braverman, appellant, *v.* Terrill Bond & Mortgage Co., Arthur B. Knight et al. Appeal from the Supreme Court of the State of Illinois. *Per curiam:* The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want of jurisdiction. Sec. 237 (a) Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by Sec. 237 (c) Judicial Code as amended (43 Stat. 936, 938), certiorari is denied.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 742. Bertha Meyer Smith, petitioner, *v.* The United States of America. The motion for leave to proceed further here in *in forma pauperis* is granted.

No. 860. Lawrence M. Fine, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 872. John Marshall, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 679. Elizabeth Rubio, a Minor, etc., petitioner, *v.* Filemon Sotto. On petition for writ of certiorari to the Supreme Court of the Philippine Islands. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 884. Joseph M. Prevette, Administrator of the Estate of Carl Ervin Creedmore, deceased, et al., petitioners, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 856. W. B. Worthen Company, Agent, et al., appellants, *v.* Mrs. W. D. Thomas. In this case probable jurisdiction is noted. The motion of appellee to dismiss is denied. Further consideration of the motion to affirm is postponed to the hearing of the case on the merits.

No. 867. Indian Valley Railroad Company, appellant, *v.* The United States of America, et al.

No. 868. State of Ohio, Public Utilities Commission of Ohio, et al., appellants, *v.* The United States of America, et al.; and

No. 886. The United States of America, et al., appellants, *v.* State of Ohio, Public Utilities Commission of Ohio, et al. In these cases probable jurisdiction is noted.

No. 815. John F. O'Ryan, as Commissioner of Police, etc., et al., petitioners, *v.* Mills Novelty Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted and the case assigned for argument on Monday, April 30, next after the cases heretofore assigned for that day.

No. 734. Lewis Reynolds, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims granted.

No. 831. Thomas M. Lynch, et al., etc., petitioners, *v.* The People of the State of New York, upon the relation of Elizabeth Pierson.

Petition for writ of certiorari to the Supreme Court of the State of New York granted.

No. 790. W. J. Savage Company, petitioner, *v.* City of Knoxville, et al. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 821. Douglas C. Findlay, et al., petitioners, *v.* Florida East Coast Railway Company, et al., etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 789. General Paint Corporation, petitioner, *v.* Herman Kramer. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 803. Dinuba Associates, Ltd., petitioner, *v.* Killefer Manufacturer Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 806. Pacific Mutual Life Insurance Company of California et al., petitioners, *v.* Cleone R. McCombs et al., etc. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 811. Harpers Ferry and Potomac Bridge Company, petitioner, *v.* Public Service Commission of West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia denied.

No. 813. George Ulmen, petitioner, *v.* National Surety Company of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 817. The West Shore Railroad Company and the New York Central Railroad Company, Lessee, petitioners, *v.* The Board of Public Utility Commissioners of the State of New Jersey. Petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey denied.

No. 818. Terre Haute Electric Company, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 819. Terre Haute Electric Company, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 822. Indemnity Insurance Company of North America, petitioner, *v.* Dixon C. Sloan. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 825. New York Trust Company as Trustee, petitioner, *v.* J. S. Cargile, Dave Block, et al. Petition for writ of certiorari to the

United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 828. The New England Newspaper Publishing Company, petitioner, *v.* Frank E. Bonner; and

No. 846. Frank E. Bonner, petitioner, *v.* The New England Newspaper Publishing Company. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 829. The New England Newspaper Publishing Company, petitioner, *v.* F. W. Griffith. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 835. Atlantic Coast Line Railroad Company, petitioner, *v.* Sarah Elizabeth Stringfellow, a Widow, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 836. Missouri Pacific Railroad Company and United States Fidelity and Guaranty Company, petitioners, *v.* J. A. Treece. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 837. John Hill, petitioner, *v.* Carl Brewer, et al. Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 845. Henry B. Willis, petitioner, *v.* The First Real Estate and Investment Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 853. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* St. Louis Southwestern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 816. Continental Oil Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 841. Edward J. Posselius and Frank J. Posselius, Executors, etc., petitioners, *v.* First National Bank-Detroit and Ernst Kern Company. Petition for writ of certiorari to the Supreme Court of the State of Michigan denied.

No. 842. James F. Huteson, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 850. The Northwestern Mutual Life Insurance Co., petitioner, *v.* Florence H. West. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 812. Commercial Standard Insurance Company, petitioner, *v.* Early Davis, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 826. Irving Trust Company, as Trustee in Bankruptcy of Broomhall, Killough & Co., Inc., petitioner, *v.* The Bank of America National Association. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 844. Bondholders' Committee of which J. Lester Fierman is Chairman et al., petitioners, *v.* Realty Associates Securities Corporation, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 849. Title Guarantee and Trust Company, petitioner, *v.* Frank Collis Bowers, Executor etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 852. Mary Foley Noakes, petitioner, *v.* Standard Oil Company of Kentucky and S. McLemore. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 876. The Nashville, Chattanooga & St. Louis Railway, petitioner, *v.* Mrs. Effie Byars. Petition for writ of certiorari to the Court of Appeals of the State of Kentucky denied.

No. 775. J. C. Myers, as Administrator of the estate of F. E. Myers, deceased, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied. The motion to remand is also denied.

No. 89. Life & Casualty Insurance Company of Tennessee, appellant, *v.* Ossie McCray; and

No. 509. Life & Casualty Insurance Company of Tennessee, appellant, *v.* Albert Barefield;

No. 128. The Texas & Pacific Railway Company, petitioner, *v.* S. O. Pottorff, Receiver etc.;

No. 428. Chassaniol et al., appellants, *v.* City of Greenwood; and

No. 725. The Mutual Life Insurance Company of New York, petitioner *v.* Wells Fargo Bank & Union Trust Company. Petitions for hearing denied.

The Chief Justice also announced the following order:

The Court will take a recess from Monday April 9 to Monday April 30, next.

No. —, original. Ex parte: Jesse C. Duke, petitioner. Motion for leave to file petition for writ of mandamus submitted.

No. —, original. State of Ohio, complainant *v.* Guy T. Helvering, Commissioner of Internal Revenue et al. Motion for leave to file bill of complaint submitted by Mr. John W. Bricker for the complainant.

No. —, original. State of Arizona, complainant *v.* State of California, et al. Returns to rules to show cause presented.

No. 12, original. State of New Jersey, complainant, *v.* The City of New York. Report of the defendant, presented.

No. 655. Roland Boynton, Attorney General of the State of Kansas, petitioner, *v.* The Hutchinson Gas Company. Argument commenced by Mr. John G. Egan for the petitioner, and continued by Mr. Robert Stone for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, April 3, will be as follows: Nos. 655, 660, 727, (and 728), 731, 689 (and 722), 783, 791 (and 792), and 808.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Lowry N. Coe, of Washington, D.C.; F. Ryan Duffy, of Fond du Lac, Wis.; Joseph R. Cook, of Ashtabula, Ohio; Geo. A. Butler, of Philadelphia, Penna.; John N. Wheelock, of Chattanooga, Tenn.; Roy L. Talbott, of Gaithersburg, Md.; Harry Benoit, of Twin Falls, Idaho; Frederic Burnham, of Chicago, Ill.; Leonard B. Levy, of New Orleans, La.; Orville W. Lee, of Chicago, Ill.; Miles G. Seeley, of Chicago, Ill.; Marion G. Stahl, of New York City; Dorothee Scarbrough, of Olympia, Wash.; Joseph H. White, of Douglas, Ariz.; Jospek L. Peirce, of Nahant, Mass.; Linton B. West, of Cuthbert, Ga.; and F. Melville Milby, of Norfolk, Va., were admitted to practice.

No. **655**. Roland Boynton, Attorney General of the State of Kansas, petitioner, *v.* The Hutchinson Gas Company. Argument concluded by Mr. Robert Stone for the respondent. Leave granted parties to file additional briefs on or before Friday next.

No. **660**. Annie Sauder, Administratrix of the estate of Philip Sauder, deceased, et al., petitioners, *v.* Mid-Continental Petroleum Corporation. Argued by Mr. Harry W. Colmery for the petitioners, and by Mr. Richard H. Wills for the respondent.

No. **727**. Spring City Foundry Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. **728**. Spring City Foundry Company, petitioner, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Richard H. Tyrell for the petitioner; continued by Mr. Erwin N. Griswold for the respondent; and concluded by Mr. Edgar L. Wood for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, April 4, will be as follows: Nos. **731**, **689** (and **722**), **783**, **791** (and **792**), and **807**.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

James R. Van Slyke, of St. Louis, Mo.; Charles P. Schwartz, of Chicago, Ill.; Edwin J. C. Joerg, of Newark, N. J.; Samuel Shapero, of Detroit, Mich.; Samuel J. Tennant, Jr., of New Orleans, La.; Arthur W. Sullivan, of Boston, Mass.; and James H. Flanagan, of Boston, Mass., were admitted to practice.

No. **731**. Michael J. Healy, Chief of Police of Manchester, N.H., appellant, *v.* Louis D. Ratta. Argued by Mr. Thornton Lorimer for the appellant and by Mr. Fred C. Demond for the appellee.

No. **689**. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Independent Life Insurance Company; and

No. **722**. Rockford Life Insurance Company, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Solicitor General Biggs for the petitioner in No. **689** and the respondent in No. **722**, and by Mr. William Marshall Bullitt for the respondent in No. **689** and the petitioner in No. **722**.

No. **783**. Local Union Company, petitioner, *v.* William Hunt. Argument commenced by Mr. Frederic Burnham for the petitioner.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, April 5, will be as follows: Nos. **783**, **791** (and **792**), and **807**.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

No. 783. Local Loan Company, petitioner, *v.* William Hunt. Argument continued by Mr. Frederic Burnham for the petitioner, and concluded by Mr. Lloyd A. Faxon for the respondent.

No. 791. Sewell Lee Avery, petitioner, *v.* Commissioner of Internal Revenue; and

No. 792. Sewell L. Avery, petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. Leland K. Neeves for the petitioner, and by Mr. Assistant Solicitor General MacLean for the respondent.

No. 807. Mississippi Valley Barge Line Company, appellant, *v.* The United States of America, Interstate Commerce Commission, Illinois Central Railroad Company, et al. Argued by Mr. James R. Van Slyke for the appellant; by Mr. J. Stanley Payne for the appellees, The United States and the Interstate Commerce Commission; and by Mr. Elmer A. Smith, for the appellees, Illinois Central Railroad Company, et al. Leave granted appellant to file a reply brief within five days.

Adjourned until Monday, April 9, next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Ralph M. Snyder, of Chicago, Ill.; Irving A. Fish, of Milwaukee, Wis.; Markley Frankham, of New York City; Ormie C. Lance, of Minneapolis, Minn.; Stanley Weiss, of St. Louis, Mo.; Frank J. Dougherty, of Louisville, Ky.; Julius T. Long, of Shreveport, La.; Joseph I. Winslow, of Pittsburgh, Pa.; Raymond B. Tobias, of Mount Carmel, Pa.; G. Ernest Jones, of Birmingham, Ala.; Robert H. Gerdes, of San Francisco, Calif.; Felix L. Smith, of Hot Springs, Ark.; Merritt A. Vickery, of Cleveland, Ohio.; Philip Pendleton Gibson, of Huntington, W. Va.; Truman Henson, of New York City; and Herbert L. Hanson, of New York City, were admitted to practice.

No. 650. Hartford Accident & Indemnity Company and United States Fidelity & Guaranty Company, appellants, *v.* Delta & Pine Land Company. Appeal from the Supreme Court of the State of Mississippi. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 463. Hans Elliot and United States Fidelity and Guaranty Company, petitioners, *v.* Thomas R. Lombard. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment reversed with costs, and cause remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Van Devanter.

The Chief Justice announced the following orders of the Court:

No. 655. Roland Boynton, Attorney General of the State of Kansas, petitioner, *v.* The Hutchinson Gas Company. On writ of certiorari to the Supreme Court of the State of Kansas. *Per curiam:* The writ of certiorari herein is dismissed for the lack of showing of service of summons and severance upon those appellees in the State

court who are not parties to the proceedings in this Court. *Garcia v. Vela*, 216 U.S. 598; *Journeyman Stone Cutters Ass'n v. United States*, 278 U.S. 566; *Newton v. Consolidated Gas Co.*, 264 U.S. 571, 572; 265 U.S. 78, 81, 82.

No. 905. The People of the State of New York, ex rel. Dexter Blagden, appellant, *v. Thomas M. Lynch, John J. Merrill, and John P. Hennessey*, as Tax Commissioners of the State of New York. Appeal from the Supreme Court of the State of New York, Albany County. *Per curiam*: The appeal is dismissed for the want of jurisdiction. Section 237(a), Judicial Code, as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by Section 237(c), Judicial Code, as amended (43 Stat. 936, 938), certiorari is denied.

No. 906. City of South Pasadena, appellant, *v. City of San Gabriel, Glenn Evans, James M. Fisk, et al., etc.* Appeal from the District Court of Appeal, 2nd Appellate District, State of California. *Per curiam*: The appeal is dismissed for the want of jurisdiction. Section 237(a), Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by Section 237(c), Judicial Code as amended (43 Stat. 936, 938), certiorari is denied.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. —, original. *Ex parte*: Jesse C. Duke, petitioner. Motion for leave to file petition for writ of mandamus is denied. The motion for leave to proceed *in forma pauperis* is also denied.

No. —, original. State of Ohio, complainant, *v. Guy T. Helvering*, Commissioner of Internal Revenue, et al. A rule is ordered to issue, returnable April 30 next, requiring defendants to show cause why leave to file the bill of complaint should not be granted.

No. 12, original. State of New Jersey, complainant, *v. City of New York*. Report of defendant is received and ordered to be filed.

No. 897. John O. Keys, petitioner, *v. Samuel H. Keets and Lumina Keets*, his wife, and

No. 898. John O. Keys, petitioner, *v. Bessie Hansborough, et al.* On petition for writs of certiorari to the Court of Appeals of the District of Columbia. The motion for leave to proceed further

herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which writs of certiorari should be granted. The petition for writs of certiorari is therefore also denied.

No. 911. Lucinda V. Bodenheimer, petitioner, *v.* Confederate Memorial Association. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 920. The State of Texas, Railroad Commission of the State of Texas, et al., appellants, *v.* The United States of America, et al. In this case probable jurisdiction is noted.

No. 834. The United States, petitioner, *v.* The Creek Nation. Petition for writ of certiorari to the Court of Claims granted.

No. 873. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* New York Trust Company, Trustee, etc.; and

No. 899. The New York Trust Company, as Trustee, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 855. Mrs. Margaret Shea Lynch, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 861. Sam Wilner, in his own right and as Administrator, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 870. Claire A. Warner, Administratrix, etc., petitioner, *v.* Edward F. Goltra, doing business under the style and name of The Goltra Barge Line. Petition for writ of certiorari to the Supreme Court of the State of Missouri granted.

No. 823. D. H. Burnham, petitioner, *v.* Arcola Sugar Mills Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 830. Emerson E. Rossmore, petitioner, *v.* Charles W. Anderson, Individually and as Collector of Internal Revenue for the Third District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 839. Kansas City Structural Steel Company et al., petitioners, *v.* Jewell McWhirter Daggett, Widow, et al. Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 851. Robert L. May, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 877. St. Paul Bridge & Terminal Railway Company, petitioner, *v.* Esther Genova, Special Administratrix of the estate of Charles Genova, deceased. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 878. St. Paul Bridge & Terminal Railway Company, petitioner, *v.* Oresto Natalino. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 690. The Apartment Corporation, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 696. Standard Oil Company of New Jersey and J. C. King, petitioners, *v.* Frank R. Thompson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 848. Standard Oil Company, petitioner, *v.* John P. McLaughlin, United States Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 875. Otto J. Bauman, as County Treasurer of Douglas County, Nebraska, etc., et al., petitioners, *v.* Chicago and North Western Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 858. William F. Perry et al., Trustees, petitioners, *v.* Frank A. Page, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 799. Eldredge S. Price, *alias* Eldredge Price, etc., petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 833. The United States of America, *ex relatione* Thaddeus R. Wilkinson and George J. Coleman, petitioners, *v.* Frank T. Hines, Administrator of Veterans' Affairs. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 866. Alfred C. Blumenthal, petitioner, *v.* Albert M. Greenfield. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 937. The Columbus Gas and Fuel Company, appellant, *v.* The Public Utilities Commission of Ohio and the City of Columbus, Ohio. Motion to note jurisdiction and to assign for argument submitted by Mr. Albert M. Calland for the appellant and position of appellee, City of Columbus, in regard thereto stated by Mr. John L. Davies.

The Chief Justice announced the following orders of the Court:

No. 608. The Columbus Gas and Fuel Company, appellant, *v.* The Public Utilities Commission of Ohio et al. Petition for rehearing denied.

No. 937. The Columbus Gas and Fuel Company, appellant, *v.* The Public Utilities Commission of Ohio et al. In this case probable jurisdiction is noted and the case is assigned for argument on Monday, April 30 next after the cases heretofore assigned for that day.

Adjourned until Monday, April 30 next at 12 o'clock.

The day call for Monday, April 30 will be as follows: Nos. 787, 709, 847, 815, 937, 734, 832, 843, 786, and 795.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Milton Hertz, of New York City; Samuel Rubinton, of New York City; George A. Dondero, of Royal Oak, Mich.; Edward Marcu, of Philadelphia, Pa.; J. Irwin Shapiro, of New York City; Eustis Myres, of Dallas, Tex.; Charles Rosenbaum, of Denver, Colo.; James L. Skerritt, of New York City; Herbert F. Horner, of Minneapolis, Minn.; John H. Jackson, of New York City; J. Donald MacKnight, of New York City; Donald Malcolm, of New York City; Louis J. Holther, of Ogden, Utah; J. C. Hall, of San Antonio, Tex.; Herldon Bowen, of Evanston, Ill.; Lyman Stansky, of New York City; Chas. J. Hoover, of Washington, D.C.; Oscar S. Mann, of New York City; Walter C. Woodward, of Coleman, Tex.; Calhoun Yancey Byrd, of Delray Beach, Fla.; Perse L. Gaskins, of Jacksonville, Fla.; Hyman G. Gould, of Rochester, N.Y.; Max Cohen, of Rochester, N.Y.; David Rosenthal, of Wilkes-Barre, Pa.; Peter P. Jurchak, of Wilkes-Barre, Pa.; Peter O. Sathre, of Bismarck, N.D.; and Claude G. Krause, of Minneapolis, Minn., were admitted to practice.

No. 807. Mississippi Valley Barge Line Company, appellant, *v.* The United States of America, Interstate Commerce Commission, Illinois Central Railroad Company, et al. Appeal from the District Court of the United States for the Eastern Division of Missouri. Decree affirmed. Opinion by Mr. Justice Cardozo.

No. 609. The Dayton Power and Light Company, appellant, *v.* The Public Utilities Commission of Ohio. Appeal from the Supreme Court of the State of Ohio. Motion to amend assignments or error granted. Decree affirmed with costs. Opinion by Mr. Justice Cardozo. Mr. Justice Van Devanter and Mr. Justice Sutherland took no part in the consideration or decision of this case. Mr. Justice McReynolds and Mr. Justice Butler concur in the result.

No. 660. Annie Sauder, Administratrix of the Estate of Philip Sauder deceased, et al., petitioners, *v.* Mid-Continent Petroleum

Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit. Decree reversed with costs, and case remanded to the District Court of the United States for the District of Kansas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts. Mr. Justice Stone took no part in the consideration or decision of this case.

No. 731. Michael J. Healy, Chief of Police of Manchester, N.H., appellant *v.* Louis D. Ratta. Appeal from the United States Circuit Court of Appeals for the First Circuit. Decree reversed with costs, and cause remanded to the District Court of the United States for the District of New Hampshire with directions to dismiss the cause for want of jurisdiction. Opinion by Mr. Justice Stone.

No. 580. Elias A. Olson, petitioner, *v.* The United States of America;

No. 581. Randor G. Karlson, petitioner, *v.* The United States of America; and

No. 582. Harry Brewster, petitioner, *v.* The United States of America. On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Judgments affirmed and cases remanded to the District Court of the United States for the District of Minnesota. Opinion by Mr. Justice Butler.

No. 783. Local Loan Company, petitioner, *v.* William Hunt. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed with costs, and cause remanded to the District Court of the United States for the Northern District of Illinois. Opinion by Mr. Justice Sutherland.

No. 565. Ruth Loughran, petitioner, *v.* John Loughran, Joseph Loughran, and Charles Loughran, Trustees of the Estate of Daniel Loughran, Sr. On writ of certiorari to the Court of Appeals of the District of Columbia. Decree reversed with costs, and cause remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 597. Robert J. McKnett, petitioner, *v.* St. Louis & San Francisco Railway Company. On writ of certiorari to the Supreme Court of the State of Alabama. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 106. W. D. Sanders, petitioner, *v.* Armour Fertilizer Works and National Fire Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed, and cause remanded to the District Court of the

United States for the Eastern District of Texas. Opinion by Mr. Justice McReynolds. Dissenting opinion by Mr. Justice Cardozo in which the Chief Justice, Mr. Justice Brandeis and Mr. Justice Stone join.

No. 791. Sewell Lee Avery, petitioner, *v.* Commissioner of Internal Revenue; and

No. 792. Sewell L. Avery, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments reversed and cases remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 440. Benjamin F. Lindheimer, and others Constituting the Illinois Commerce Commission of the State of Illinois, Otto Kerner, Attorney General of the State of Illinois and City of Chicago, appellants, *v.* Illinois Bell Telephone Company; and

No. 548. Illinois Bell Telephone Company, appellant, *v.* Benjamin F. Lindheimer, and others, Constituting the Illinois Commerce Commission of the State of Illinois; Otto Kerner, Attorney General of the State of Illinois and the City of Chicago. Appeals from the District Court of the United States for the Northern District of Illinois. In No. 440, decree reversed with costs and cause remanded with direction to dissolve the interlocutory injunction, to provide for the refunding, in accordance with the terms of that injunction and of the bonds given pursuant thereto, of the amounts charged by the Company in excess of the rates in suit, and to dismiss the bill of complaint. In No. 548, appeal dismissed. Opinion by Mr. Chief Justice Hughes. Concurring opinion by Mr. Justice Butler.

No. 727. Spring City Foundry Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 728. Spring City Foundry Company, petitioner, *v.* Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Judgments affirmed, and cases remanded to the said Circuit Court of Appeals. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 919. George Lutz, appellant, *v.* Frank S. Houck, as President, and others, as Members Constituting the New York State Board of Pharmacy. Appeal from the Supreme Court of the State of New York. *Per curiam*: The motion of the appellees to dismiss the appeal herein is granted, and the appeal is dismissed for the want

of a substantial federal question. *Hayes v. Missouri*, 120 U.S. 68, 71, 72; *Budd v. New York*, 143 U.S. 517, 548; *Toyota v. Hawaii*, 226 U.S. 184, 191, 192; *Packard v. Banton*, 264 U.S. 140, 143, 144; *Radice v. New York*, 264 U.S. 292, 296; *Miller v. Wilson*, 236 U.S. 373, 384; *Price v. Illinois*, 238 U.S. 446, 453; *Silver v. Silver*, 280 U.S. 117, 123, 124; *Sproles v. Binford*, 286 U.S. 374, 396.

No. 990. Northwest Bancorporation, appellant, *v. Elmer A. Benson*, Commissioner of Banks of the State of Minnesota, et al., etc. Application for restraining order pending appeal is denied. Mr. Justice Butler took no part in the consideration or decision of this application.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. —, original. *Ex parte: Milford B. Martin*, petitioner. The motion for leave to file petition for writ of habeas corpus is denied.

No. —. In *Re Disbarment of T. Morris Wampler and Mortimer M. Harris*. Rules are ordered to issue requiring these members of the Bar of this Court to show cause under Rule 2 why they should not be disbarred from further practice of the law in this Court.

No. 918. *Grant O. Beale*, petitioner, *v. The People of the State of New York*. On petition for writ of certiorari to the Supreme Court of the State of New York. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 927. *Parker H. Lee*, petitioner, *v. A. C. Aderhold*, Warden, U.S. Penitentiary, Atlanta, Georgia. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 931. *C. W. Upton*, petitioner, *v. J. Frank Harrison*, Executor, etc., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 943. R. A. Bridges, petitioner, *v.* State of Alabama. On petition for writ of certiorari to the Court of Appeals of the State of Alabama. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 935. Cephas F. Perkins and His Wife, Louise E. Perkins, petitioners, *v.* Honorable Frank Harrison, Presiding Judge of the Superior Court of the State of Arizona, etc. On petition for writ of certiorari to the Supreme Court of the State of Arizona. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 971. Agnes E. Lewis, Testamentary Executor etc., petitioner, *v.* James D. Simon, Judge of the Sixteenth Judicial District Court in and for the Parish of Iberia, State of Louisiana. On petition for writ of certiorari to the Supreme Court of the State of Louisiana. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 984. George Small, petitioner, *v.* The People of the State of New York. On petition for writ of certiorari to the Supreme Court of the State of New York. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 989. United States *ex rel.* Alfred R. Nerbonne, petitioner, *v.* Henry C. Hill, Warden, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 944. J. M. Lee, as Comptroller of the State of Florida, appellant *v.* John P. Bickell, et al., etc. In this case probable jurisdiction is noted. The motion to advance is granted and the case is assigned for argument on Wednesday, May 9, next.

No. 959. Missouri Pacific Railroad Company et al., appellants, *v.* The United States of America, et al. In this case probable jurisdiction is noted.

No. 988. Hegeman Farms Corporation, appellant, *v.* Charles H. Baldwin, et al. In this case probable jurisdiction is noted. The case is assigned for argument on Monday, October 8, 1934.

No. 901. George W. McCandless, as receiver of Duquesne Gas Corporation, petitioner, *v.* Maxine H. Furlaud, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted limited to the questions pertaining to the validity of the appointment of the petitioner as ancillary receiver, and his right as such to maintain this suit.

No. 887. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Susan Dwight Bliss. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 888. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* William Albert Harbison; and

No. 889. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Mary Colgate. Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 895. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Stockholms Enskilda Bank. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 904. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Morgan's, Incorporated, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 892. Thomas C. Rowley, as Treasurer of Converse County, State of Wyoming, et al., petitioners, *v.* Chicago and Northwestern Railway Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit granted.

No. 883. The City of Waco, Texas, petitioner, *v.* United States Fidelity & Guaranty Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit granted.

No. 909. Detroit Trust Company, Trustee, petitioner, *v.* Steamer "Thomas Barlum", her engines, etc., et al.; and

No. 910. Detroit Trust Company, Trustee, petitioner, *v.* Steamer "John J. Barlum" her engines, etc., et al. Petitions for writs of

certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 854. Mike George, *alias* Mike Kouchoucos, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 864. Winthrop Ames, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 871. Jimmie Beck Owsley, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 893. Scow "Gildersleeve No. 325", by Gildersleeve Shipbuilding Company, Claimant, petitioner, *v.* Thomas J. Howard, as Owner etc; and

No. 894. Northwestern Fire & Marine Insurance Company, as Insurer and Assignee, etc., petitioner, *v.* Seaboard Sand & Gravel Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 865. Lillie C. Pomeroy, George S. Pomeroy, Jr., et al., petitioners, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 879. Meseck Towing & Transportation Company, et al., petitioners, *v.* Annie Baker, as Owner of the Barge "Elizabeth M. Baker", et al.;

No. 880. Meseck Towing & Transportation Company, et al., petitioners, *v.* Smith-Murphy Co., Inc., as Owner of a Cargo of Wheat, etc.; and

No. 881. Meseck Towing & Transportation Company, et al., petitioners, *v.* Joseph A. Ryan, as Owner of the Barge "Marion Ryan", et al. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 882. Nathan Amchanitzky, petitioner, *v.* Francis J. Sinnott, Substituted for John A. T. Carrougher, as Acting Postmaster of Brooklyn. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 890. Robert O. Eaton, Collector of Internal Revenue, petitioner, *v.* Benjamin E. Harwood. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 891. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Western Union Telegraph Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 900. Johanna F. Fiske, et al., petitioners, *v.* State of Missouri, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 925. Stooddy Company, petitioner, *v.* Mills Alloys, Inc., and Oscar L. Mills. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 896. Fred S. Olson, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 902. The Chevrolet Motor Company of St. Louis, petitioner, *v.* Tom Watson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 912. Lehigh Valley Railroad Company, petitioner, *v.* Myra McGrath, as Administratrix, etc. Petition for writ of certiorari to the Supreme Court of the State of New York denied.

No. 913. Wade L. Street, Minnie Livingston, and Jennie L. Mahon, as Executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 923. Lehigh & New England Railroad Company, petitioner, *v.* Laurine Heister, as Administratrix, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 956. Parker Brothers, a Corporation, petitioner, *v.* Harry Fagan, as Receiver of First National Bank of Arcadia, Florida. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 958. The Delaware and Hudson Railroad Corporation, petitioner, *v.* Olita Cottrell. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 916. State of Tennessee, *ex rel.* Luke Lea and Luke Lea, Jr., petitioners, *v.* Laurence E. Brown and Frank Lakey, Agents of the State of North Carolina. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 824. State of Missouri, appellant, *v.* Missouri Pacific Railway Company, et al. Petition for rehearing denied. Act of February 13, 1925, sec. 13 (43 Stat. 936, 942).

No. 344. Puget Sound Power & Light Company, appellant, *v.* The City of Seattle;

No. 355. Trinityfarm Construction Company, appellant, *v.* Alice Lee Grosjean, Supervisor, etc.;

No. 796. Illinois Bankers Life Association of Monmouth, Illinois, et al., petitioners, *v.* S. L. Talley, Administrator, etc.;

No. 797. George R. Benson, petitioner, *v.* R. C. Sullivan, Receiver, etc.;

No. 804. John H. Betts. Doing Business under the Fictitious Style and Firm name of John H. Betts Transportation Co., appellant, *v.* Railroad Commission of the State of California;

No. 814. The People of the State of New York, on the relation of Harry P. Sackett, appellant, *v.* Thomas M. Lynch, et al., etc.;

No. 857. Ralph Sollitt & Sons Construction Company, appellant, *v.* The Commonwealth of Virginia;

No. 863. Frank Knass and Dina Knass, appellants, *v.* Madison and Kedzie State Bank, et al.;

No. 627. F. J. Utley and D. T. Utley, appellants, *v.* City of St. Petersburg, Florida;

No. 772. Charles K. Cregier, petitioner, *v.* Conway P. Coe, Commissioner of Patents;

No. 845. Henry B. Willis, petitioner, *v.* The First Real Estate and Investment Company et al.; and

No. 848. Standard Oil Company, petitioner, *v.* John P. McLaughlin, United States Collector of Internal Revenue, etc. Petitions for rehearing denied.

No. 903. United States of America, *ex rel.* New York Warehouse, Wharf and Terminal Association, Inc., et al., petitioners, *v.* George H. Dern, Secretary of War. Consideration of petition for writ of certiorari deferred for one week on motion of Mr. John Philip Hill for the petitioner.

No. 867. Indian Valley Railroad Company, appellant, *v.* The United States of America et al. Suggestion of failure of appellant to comply with provisions of Equity Rule 75 (b) presented by Mr. Solicitor General Biggs for the appellee, The United States of America.

No. 869. The United States of America, appellant, *v.* J. W. Smith et al. Motion to continue to October 1934 granted on motion of Mr. Solicitor General Biggs for the appellant.

No. —, original. State of Ohio, complainant, *v.* Guy T. Helvering, Commissioner of Internal Revenue et al. Return to rule to show cause presented.

No. —. In Re Disbarment of Maurice R. Woulfe. Return to rule to show cause presented.

No. 801. Joe X. Newcomb and Crystal Ice Company, petitioners, *v.* York Ice Machinery Corporation. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Dismissed on motion of counsel for the petitioners.

No. 787. Illinois Commerce Commission et al., appellants, *v.* The United States of America et al. Three hours allowed for oral argument. Argument commenced by Mr. Luther M. Walter for the appellants, Acme Steel Company et al.; and continued by Mr. Herbert J. Campbell for the appellant, Board of Trade of the City of Chicago; and Mr. Daniel W. Knowlton for the appellees, The United States and Interstate Commerce Commission.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 1, will be as follows: Nos. 787, 709, 847, 815, 937, 734, 832, 843, 786, and 795.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Gladys Moran Chenery, of Boston, Mass.; Thomas Haywood Brown, of Washington, D.C.; William L. Murphey, of Los Angeles, Calif.; James R. Breaker, Jr., of Ypsilanti, Mich.; John Henderson Hoffman, of Washington, D.C.; Douglas L. Hatch, of Washington, D.C.; William J. Kane of Washington, D.C.; Otto F. Walter, of Columbus, Nebr.; Vinson L. Smathers, of Washington, D.C.; John O. Jackson, of Jacksonville, Fla.; Minnie E. Kehoe, of Miami, Fla.; Peter G. May, of Washington, D.C.; John T. Donovan, of Washington, D.C.; W. Ernest C. Huthwaite, of Pontiac, Mich.; Scott P. Squyres, of Oklahoma City, Okla.; David R. Milsten, of Tulsa, Okla.; and J. M. Inman, of Sacramento, Calif., were admitted to practice.

No. 787. Illinois Commerce Commission et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Argument continued by Mr. J. N. Davis for appellees, Alton Railroad Co. et al., and concluded by Mr. Luther M. Walter for appellants, Acme Steel Co. et al.

No. 709. Eastman Kodak Company et al., petitioners, *v.* Charles B. Gray. Argued by Mr. Dean S. Edmonds for the petitioners, and by Mr. Thomas Raeburn White for the respondent.

No. 847. William Langer, as Governor of the State of North Dakota et al., appellants, *v.* Grandin Farmers Co-Operative Elevator Company of Grandin, North Dakota, et al. Argument commenced by Mr. P. O. Sathre for the appellants. The Court declined to hear further argument.

No. 815. John F. O'Ryan, as Commissioner of Police, etc., et al, petitioners, *v.* Mills Novelty Company. Argued by Mr. Paxton Blair for the petitioners, and by Mr. Howard Ellis for the respondent.

No. 937. The Columbus Gas and Fuel Company, appellant, *v.* The Public Utilities Commission of Ohio et al. Argument commenced by Mr. Edward C. Turner for the appellant.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 2, will be as follows: Nos. 937, 619, 734, 786, 795, 832, 843, 802, 820, and 856.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Hugh P. McFadden, of Bethlehem, Pa.; David A. Wolff, of Detroit, Mich.; Eugene Earl Tincher, of Long Beach, Calif.; Simon Sverdlik, of New York City; Diller B. Groff, of Washington, D.C.; Samuel S. McCahill, of Miami, Fla.; William B. Bostian, of Kansas City, Mo.; Abel E. Blackmar, Jr., of Scarsdale, N.Y.; Markell V. Baer, of Oakland, Calif.; Harry Rickel, of Detroit, Mich.; Wm. D. Reilly, of Leavenworth, Kans.; Wynne James, Jr., of Doyles-town, Pa.; Frank H. Lee, of Joplin, Mo.; John H. Backus, of New Bedford, Mass.; Dora Shaw Heffner, of Los Angeles, Calif.; and Malcolm Lindsey, of Denver, Colo., were admitted to practice.

No. 815. John F. O'Ryan, as Commissioner of Police, etc., et al., petitioners, *v.* Mills Novelty Company. Leave to file brief of the City of Milwaukee, as *amicus curiae*, providing consent of counsel is obtained, granted, on motion of Mr. Daniel W. Hoan in that behalf.

No. 856. W. B. Worthen Company, Agent, et al., appellants, *v.* Mrs. W. D. Thomas. Submitted by Mr. Henry M. Armistead for the appellants, and by Mr. Kenneth W. Coulter for the appellee, with leave to appellants to file an additional brief within one week.

No. 937. The Columbus Gas and Fuel Company, appellant, *v.* The Public Utilities Commission of Ohio, et al. Argument continued by Mr. Edward C. Turner for the appellant; by Mr. John L. Davies for the appellees, and concluded by Mr. James W. Huffman for the appellees. Leave granted the parties to file additional briefs.

No. 619. Radio Corporation of America et al., petitioners, *v.* Radio Engineering Laboratories, Inc. Argument commenced by Mr. Thomas G. Haight for the petitioners; continued by Mr. William H. Davis for the respondent; and by Mr. Samuel E. Darby, Jr., for the petitioners.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 3, will be as follows: Nos. 619, 734, 786, 795, 832, 843, 802, 820, 855, and 861.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Leonard Poretsky, of Revere, Mass.; Fred Hansen, of Oklahoma City, Okla.; George W. Selinger, of Tulsa, Okla.; S. Ashley Guthrie, of Chicago, Ill.; C. D. Bennett, of Oklahoma City, Okla.; Leslie C. Strickland, of Pittsburgh, Pa.; Boone T. Coulter, of Little Rock, Ark.; William R. Brown, of Chicago, Ill.; Oswald Ryan, of Anderson, Ind.; Elbert F. Blakely, of Painesville, Ohio; Harry T. Nolan, of Painesville, Ohio; Dixwell L. Pierce, of Sacramento, Calif.; Carl B. Callaway, of Dallas, Tex.; Geo. A. Critchlow, of Salt Lake City, Utah; and Wallace Miller, of Macon, Ga., were admitted to practice.

No. 990. Northwest Bancorporation, appellant, *v.* Elmer A. Benson, Commissioner of Banks of the State of Minnesota, et al., etc. Motion to reconsider motion for restraining order; to consider question of jurisdiction forthwith; and to advance submitted by Mr. George M. Morris in behalf of counsel for appellants, in support of the motion, and by Mr. Harry H. Peterson for the appellees, in opposition thereto.

No. 619. Radio Corporation of America, et al., petitioners, *v.* Radio Engineering Laboratories, Inc. Argument concluded by Mr. Samuel E. Darby, Jr., for the petitioners.

No. 734. Lewis Reynolds, petitioner, *v.* The United States. Argued by Mr. Francis W. Hill, Jr., for the petitioner, and by Mr. H. Briand Holland for the respondent.

No. 786. Burns Mortgage Company, Inc., petitioner, *v.* Erwin M. Fried. Argued by Mr. Sigmund H. Steinberg for the petitioner, and by Mr. John C. Noonan for the respondent.

No. 795. Urey Woodson, as Alien Property Custodian of the United States, et al., petitioners, *v.* Deutsche Gold und Silber Scheidanstalt Vormals Roessler, etc. Argued by Mr. Solicitor General Biggs for the petitioners, and by Mr. Richard H. Wilmer for the respondent.

No. 832. Oklahoma Gas and Electric Company, et al., appellants,
v. Oklahoma Packing Company, Formerly Wilson & Co., Inc., etc.
et al. Argument commenced by Mr. Robert M. Rainey for the
appellants.

Adjourned until tomorrow at 12 o'clock.

The day call for Friday, May 4, will be as follows: Nos. 832, 843,
802, 820, 855, 861, 868 (and 886), 873 (and 899), 920, and 742.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Samuel H. Wiley, of Sparta, Ga.; John J. McCreary, of Macon, Ga.; Harold F. Orr, of Ventura, Calif.; Stephen F. Chadwick, of Seattle, Wash.; Chas. M. Howell, Jr., of Kansas City, Mo.; Thomas F. Dougherty, of New York City; August B. Rothschild, of San Francisco, Calif.; Arthur Milo Fleming, of Garden City, Kans.; and Wm. C. Keough, of Cleveland, Ohio, were admitted to practice.

No. 832. Oklahoma Gas and Electric Company et al., etc., appellants, *v.* Oklahoma Packing Company, Formerly Wilson & Co., Inc., etc., et al. Argument continued by Mr. Robert M. Rainey for the appellants; by Mr. W. R. Brown and Mr. Fred Hansen for the appellees; and concluded by Mr. I. J. Underwood for the appellants.

No. 843. Gypsy Oil Company, appellant, *v.* Oklahoma Tax Commission et al. Argument commenced by Mr. James B. Diggs for the appellant. The Court declined to hear further argument.

No. 802. John C. Lewis, as Receiver, etc., petitioner, *v.* Fidelity & Deposit Company of Maryland. Argument commenced by Mr. Wallace Miller for the petitioner; continued by Mr. M. F. Goldstein for the respondent; and concluded by Mr. George P. Barse for the petitioner.

No. 820. The Fairport, Painesville & Eastern Railroad Company, petitioner, *v.* Mayme F. Meredith. Argument commenced by Mr. Atlee Pomerene for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, May 7, will be as follows: Nos. **820, 855, 861, 868 (and 886), 873 (and 899), 920, 742, and 867.**

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

J. Edward Bennett, of Little Rock, Ark.; Glen N. W. McNaughton, of New York City; Meyer Weker, of Boston, Mass.; Jacinto C. Borja, of Manila, P.I.; Oscar L. Chapman, of Denver, Colo.; Samuel A. Margolis, of Manchester, N.H.; A. R. Stout, of Ennis, Tex.; Charles Berliner, of New York City; J. V. Keen, of Tallahassee, Fla.; James Grover Lee, of Durham, N.C.; C. Russell Shetterly, of Denver, Colo.; James H. Pershing, of Denver, Colo.; John Pershing, of Denver, Colo.; and Floyd A. Calvert, of Saginaw, Mich., were admitted to practice.

The Chief Justice announced the promulgation of Rules of Practice and Procedure, After Plea of Guilty, Verdict or Finding of Guilt, in Criminal Cases Brought in the District Courts of the United States and in the Supreme Court of the District of Columbia.

The Chief Justice announced the following orders of the Court:

No. 847. William Langer, as Governor of the State of North Dakota, et al., appellants, *v.* Grandin Farmers Co-Operative Elevator Company of Grandin, North Dakota, et al. Appeal from the District Court of the United States for the District of North Dakota. *Per curiam*: The order granting an interlocutory injunction is affirmed. *Meccano, Ltd., v. Wanamaker*, 253 U.S. 136, 141; *Alabama v. United States*, 279 U.S. 229, 231; *National Fire Ins. Co. v. Thompson*, 281 U.S. 331, 338; *United Drug Co. v. Washburn, Commissioner*, 284 U.S. 593; *South Carolina Power Co. v. South Carolina Tax Commission et al.*, 286 U.S. 525; *Ogden & Moffett Co. et al., v. Michigan Public Utilities Commission*, 286 U.S. 525.

No. 843. Gypsy Oil Company, appellant, *v.* Oklahoma Tax Commission, Melvin Cornish, et al., etc. Appeal from the District Court of the United States for the Northern District of Oklahoma. *Per curiam*: The decree dismissing the bill of complaint is affirmed upon

the ground that the District Court was without jurisdiction because requisite jurisdictional amount was not involved. *Healy v. Ratta*, decided April 30, 1934.

No. 874. The Assiniboine Indian Tribe, appellant, *v.* The United States. Appeal from and on writ of certiorari to the Court of Claims. *Per curiam*: The appeal herein is dismissed. *Colgate v. United States*, 280 U.S. 43. The petition for writ of certiorari is denied.

No. 968. Charles Lee Smith, appellant, *v.* People of the State of New York on the Complaint of Officer William G. O'Connor. Appeal from the Court of Special Sessions of the City of New York. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Patsone v. Pennsylvania*, 232 U.S. 138, 144; *Silver v. Silver*, 280 U.S. 117, 123; *Sproles v. Binford*, 286 U.S. 374, 396.

No. 990. Northwest Bancorporation, appellant, *v.* Elmer A. Benson, Commissioner of Banks of the State of Minnesota, et al., etc. Appeal from the District Court of the United States for the District of Minnesota. *Per curiam*: The motion for immediate consideration of the jurisdictional statement is granted. The order denying interlocutory injunction is affirmed. *United Fuel Gas Co. v. Railroad Commission*, 278 U.S. 300, 326; *Alabama v. United States*, 279 U.S. 229, 231; *National Fire Ins. Co. v. Thompson*, 281 U.S. 331, 338; *United Drug Co. v. Washburn, Commissioner*, 284 U.S. 593; *South Carolina Power Co. v. South Carolina Tax Commission, et al.*, 286 U.S. 525; *Ogden & Moffett Co. et al., v. Michigan Public Utilities Commission*, 286 U.S. 525. Mr. Justice Butler took no part in the consideration and decision of this appeal.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 731. Miahel J. Healy, Chief of Police of Manchester, N.H., appellant, *v.* Louis D. Ratta. Ordered that the words "hawkers or peddlers" be substituted for the words "itinerant vendors of merchandise" in the sixth line from the bottom of the first page of the opinion as delivered.

No. —. In Re Disbarment of Maurice R. Wolfe. The order of the District Court of the United States for the Eastern District of Louisiana, disbarring the respondent from the further practice of law in that court, will be held subject to the further order of this Court,

Provided, that the respondent shall apply within thirty days from this date for a reconsideration of the order by the District Court of the United States cancelling his admission to practice in that court.

The suspension provided by paragraph 5 of Rule 2 of the Rules of this Court shall continue in effect until this Court has rendered its decision in the present matter.

No. 942. Roy M. Wahlgren, petitioner, *v.* Bausch & Lomb Optical Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is, therefore, also denied.

No. 1022. Irving Millen, petitioner, *v.* Samuel H. Capen, Sheriff, etc. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is, therefore, also denied. The motion for stay is denied.

No. 914. Charles L. McNally, petitioner, *v.* Henry C. Hill, Warden, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit granted.

No. 924. Commonwealth of Virginia, petitioner, *v.* Imperial Coal Sales Company, Inc. Petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia granted.

No. 954. Huey P. Long, petitioner, *v.* Samuel T. Ansell. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 977. British-American Tobacco Company, Ltd., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 908. Asa E. Walden, Judge of the Eighth Judicial District of Oklahoma, etc., petitioner, *v.* State of Oklahoma, *ex rel.* School District No. 40, Bryan County, Oklahoma. Petition for writ of certiorari to the Supreme Court of the State of Oklahoma denied.

No. 915. Cedar Park Cemetery Association, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 921. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v. Lynchburg Trust & Savings Bank et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied.

No. 922. Shawkee Manufacturing Company, Glenshaw Glass Company, et al., petitioners, *v. Hartford-Empire Company.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 926. Willoughby Camera Stores, Inc., petitioner, *v. The United States.* Petition for writ of certiorari to the Court of Customs and Patent Appeals denied.

No. 928. J. S. Brock, State Bank Commissioner, et al., petitioners, *v. Harry Wainer.* Petition for writ of certiorari to the Supreme Court of the State of Louisiana denied.

No. 929. Utilities Power & Light Corporation and Mary A. Walsh, petitioners, *v. Irving Trust Company, as Trustee of the National Public Service Corporation, et al., and*

No. 930. Utilities Power & Light Corporation and Mary A. Walsh, petitioners, *v. Irving Trust Company, as Trustee of the National Public Service Corporation, et al.* Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 933. Boston & Maine Railroad, petitioner, *v. Nellie O. Fernald, as Administratrix of the Goods, Chattels and Credits which were of Harry E. Fernald, deceased.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 934. W. E. Brusselback, petitioner, *v. Chicago Joint Stock Land Bank, et al.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 939. Missouri Pacific Railroad Company, petitioner, *v. Beulah Benson.* Petition for writ of certiorari to the Supreme Court of the State of Missouri denied.

No. 941. Continental Casualty Company, petitioner, *v. The United States of America, for the use of W. Howard Ainsworth, Trustee etc.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 961. Jacob Hershon, Trustee in Bankruptcy of Sterling Bedding Shops, Inc., Bankrupt, petitioner, *v. Anne Abelson.* Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 505. Manhattan Properties, Inc., petitioner, *v. Irving Trust Company, as Trustee, etc.;*

No. 506. Samuel R. Brown et al., petitioners, *v.* Irving Trust Company, as Trustee, etc.;

No. 635. William J. McGarrity, Administrator, etc., appellant, *v.* Delaware River Bridge Commission et al.;

No. 650. Hartford Accident & Indemnity Company et al., appellants, *v.* Delta & Pine Land Company; and

No. 905. The People of the State of New York, *ex rel.* Dexter Blagden, appellant, *v.* Thomas M. Lynch et al., etc. Petitions for rehearing denied.

The Chief Justice also announced the following order:

ORDER

It is ordered that the call of the docket be suspended for the term on Friday, May 11, next, and that the Court will take a recess from Monday, May 14, until Monday, May 21, and from that day as may be ordered.

No. —, original. State of Arizona, complainant, *v.* State of California, et al. Motion for leave to file brief of the City of Denver as *amicus curiae* submitted by Mr. Clarence N. Goodwin in that behalf.

No. 867. Indian Valley Railroad Company, appellant, *v.* The United States of America et al. Submitted by Mr. John L. McNab for the appellant, and by Mr. Solicitor General Biggs, Mr. Assistant Attorney General Stephens, Mr. Carl McFarland, Mr. M. S. Huberman, Mr. Mac Asbill, Mr. Daniel W. Knowlton, and Mr. Edward M. Reidy, for the appellees.

No. 820. The Fairport, Painesville & Eastern Railroad Company, petitioner, *v.* Mayme F. Meredith. Argument continued by Mr. Atlee Pomerene for the petitioner; by Mr. David F. Anderson for the respondent; and concluded by Mr. Elbert F. Blakely for the petitioner.

No. 855. Mrs. Margaret Shea Lynch, petitioner, *v.* The United States of America. Argued by Mr. Rowland W. Fixel for the petitioner, and by Mr. Solicitor General Biggs for the respondent.

No. 861. Sam Wilner, in his own right and as administrator, etc., petitioner, *v.* The United States of America. Argued by Mr. Edward H. S. Martin for the petitioner, and by Mr. Solicitor General Biggs for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Tuesday, May 8, will be as follows: Nos. 868 (and 886), 873 (and 899), 920, and 742.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Ralph L. Dugger, of Washington, D.C.; Abbee W. Talamo, of Worcester, Mass.; A. W. Walker, Jr., of Austin, Tex.; Mastin G. White, of Tyler, Tex.; Samuel B. Hill, of Waterville, Wash.; Sam L. Wilhite, of Anadarko, Okla.; Irving J. Levy, of Washington, D.C.; R. L. Lawrence, of Anadarko, Okla.; Mannie C. Scofield, of Inverness, Fla.; James C. Adkins, of Gainesville, Fla.; Maurine L. Jones, of Flint, Mich.; Beatrice Montgomery Nix, of Los Angeles, Calif.; Lloyd S. Nix, of Los Angeles, Calif.; Chauncey Newlin, of New York City; George R. Darnell, of Tucson, Ariz.; Russell D. Morrill, of New York City; Louis Spiegel, of Newark, N.J.; David Roskein, of Newark, N.J.; Solomon Tully, of Buffalo, N.Y.; J. Wirth Sargent, of Wichita, Kans.; William L. Sullivan, of Chicago, Ill.; Oscar F. Nelson, of Chicago, Ill.; Milton Handler, of New York City; Percy Newhall Booth, of Louisville, Ky.; and Roscoe E. Harper, of Tulsa, Okla., were admitted to practice.

No. 815. John F. O'Ryan, as Commissioner of Police Department of the City of New York, et al., petitioners, *v.* Mills Novelty Company. It is ordered that the parties respectively show cause before this Court on Monday, May 14, 1934, at twelve o'clock noon, why the writ of certiorari herein should not be dismissed by reason of the effect of recent legislation of the State of New York upon the decree of injunction.

No. 868. Four hours allowed for oral argument. State of Ohio, Public Utilities Commission of Ohio, et al., appellants, *v.* The United States of America, et al.; and

No. 886. The United States of America, et al., appellants, *v.* State of Ohio, Public Utilities Commission of Ohio, et al. Argument commenced by Mr. John W. Bricker for appellant, the State of Ohio; continued by Mr. Ernest S. Ballard for appellants, Eastern Ohio Coal Operators Association et al.; by Mr. Clan Crawford for

the appellant, Wheeling and Lake Erie Railway Co.; by Mr. H. Austin Hauxhurst for the appellant Empire Sheet & Tin Plate Co.; by Mr. J. Stanley Payne for the appellees, The United States and Interstate Commerce Commission; by Mr. August G. Gutheim for the appellees, Western Pennsylvania Coal Traffic Bureau et al., and Public Service Commission of the Commonwealth of Pennsylvania; by Mr. Alexander M. Bull for the appellees, Robert C. Hill, et al., Receivers of the Consolidation Coal Co., et al.; and concluded by Mr. Guernsey Orcutt for the appellees, Pennsylvania Railroad Company, et al.

No. 873. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* New York Trust Company, Trustee, etc.; and

No. 899. The New York Trust Company, as Trustee, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argument commenced by Mr. Erwin N. Griswold for the petitioner in No. 873 and the respondent in No. 899.

Adjourned until tomorrow at 12 o'clock.

The day call for Wednesday, May 9, will be as follows: Nos. 873 (and 899), 920, 742, and 944.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

E. J. Fountain, Jr., of Houston, Tex.; Ira A. Schiller, of New York City; James H. Mulally, of St. Paul, Minn.; L. R. Martineau, Jr., of Los Angeles, Calif.; Charles A. Carroll, of Miami, Fla.; Raymond Schroeder, of Newark, N.J.; John O. Moran, of San Francisco, Calif.; Crate D. Bowen, of Miami, Fla.; Rolla D. Campbell, of Huntington, W.Va.; Hamilton E. Little, of Memphis, Tenn.; H. Claude Horack, of Durham, N.C.; and Hammond E. Chaffetz, of Washington, D.C., were admitted to practice.

No. 873. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* New York Trust Company, Trustee, etc.; and

No. 899. The New York Trust Company, as Trustee, etc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Argument continued by Mr. Erwin N. Griswold for the petitioner in No. 873 and the respondent in No. 899; and concluded by Mr. Chauncey Newlin for the respondent in No. 873 and the petitioner in No. 899.

No. 920. The State of Texas, Railroad Commission of the State of Texas, et al., appellants, *v.* The United States of America, et al. Argued by Mr. A. R. Stout for the appellants; by Mr. Assistant Attorney General Stephens for the appellees, The United States and Interstate Commerce Commission; and by Mr. Samuel W. Moore for the appellees, Kansas City Southern Railway Company, et al. Leave granted the United States to file a supplemental brief by Friday.

No. 742. Bertha Meyer Smith, petitioner, *v.* The United States of America. Argued by Mr. James J. Crossley for the petitioner, and by Mr. Will G. Beardslee for the respondent.

Adjourned until tomorrow at 12 o'clock.

The day call for Thursday, May 10, will be as follows: No. 944.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

J. J. Graham, of Washington, D.C.; James J. McCarron, of Washington, D.C.; Lon A. Brooks, of Los Angeles, Calif.; Bauer F. Bullinger, of Milwaukee, Wis.; John Carlisle Pryor, of Burlington, Iowa; Jerome Edmond Johnstone, of Washington, D.C.; Edwin Eanes Peterson, of New York City; Joseph L. Kaplan, of Boston, Mass.; and James M. Kane, of Washington, D.C., were admitted to practice.

No. 944. J. M. Lee, as Comptroller of the State of Florida, appellant, *v.* John P. Bickell, et al., etc. Argued by Mr. J. V. Keen and Mr. H. E. Carter for the appellant, and by Mr. Charles A. Carroll for the appellees.

Adjourned until Monday May 14, next, at 12 o'clock.

13563—34—90

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

B. D. Emanuel, of Anderson, Ind.; Edward T. Miller, of Easton, Md.; Rufus L. Slaughter, of Tulsa, Okla.; Scott W. Hovey, of Kansas City, Mo.; Jacob Morris Alper, of Chattanooga, Tenn.; Theron W. Agee, of Van Buren, Ark.; J. H. Campbell, of Franklin, Tenn.; Paul D. Barns, of Miami, Fla.; and Eugene Daney, Jr., of San Diego, Calif., were admitted to practice.

The Chief Justice announced the following orders of the Court:
 No. 867. Indian Valley Railroad Company, appellant, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the Northern District of California. *Per curiam*: The decree herein is affirmed. *Texas & Pacific Ry. Co. v. Gulf, Colorado & Santa Fe Ry. Co.*, 270 U.S. 266, 273, 277; *Chesapeake & Ohio Ry. Co. v. United States*, 283 U.S. 35, 42; *Claiborne-Annapolis Ferry Co. v. United States*, 285 U.S. 382, 392; *Interstate Commerce Commission v. Oregon-Washington R. Co.*, 288 U.S. 14, 36, 37; *Virginian Ry. v. United States*, 272 U.S. 658, 663; *Georgia Commission v. United States*, 283 U.S. 765, 775; *New York Central Securities Co. v. United States*, 287 U.S. 12, 29.

No. 975. Georgia Roberts, by her next friend, Margaret H. Roberts, et al., appellants, *v.* Washington Trust Company. Appeal from the Supreme Court of the State of Pennsylvania. *Per curiam*: The motion of the appellee to dismiss the appeal herein is granted, and the appeal is dismissed for the want of jurisdiction. Sec. 237 (a) Judicial Code as amended by the Act of February 13, 1925 (43 Stat. 936, 937). Treating the papers whereon the appeal was allowed as a petition for writ of certiorari, as required by Sec. 237 (c) Judicial Code as amended (43 Stat. 936, 938), certiorari is denied.

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 1003. United States of America, *ex rel.* Burton Gallivan, petitioner, *v.* Henry C. Hill, Warden of United States Northeastern Penitentiary at Lewisburg, Pa. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 1008. Taft Benton, petitioner, *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 946. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Leland Powers, Executor, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit granted.

No. 969. Irving Trust Company, as Trustee in Bankruptcy of Outfitters Operating Realty Co., Inc., petitioner, *v.* A. W. Perry, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit granted.

No. 903. United States of America, *ex rel.* New York Warehouse, Wharf and Terminal Association, Inc., et al., petitioners, *v.* George H. Dern, Secretary of War. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 907. George E. Golding, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 936. Marian Fell Vans Agnew, as Executrix, etc., petitioner, *v.* Fort Myers Drainage District, a Florida Drainage District. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 938. Louis D. Glanz, petitioner, *v.* United American Trust & Savings Bank, Home Bank and Trust Company, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 940. D. G. Gray, Trustee for Griswold Oil Corporation, Bankrupt, etc., petitioner, *v.* Geo. C. Hopkins, Individually and as Collector of Internal Revenue, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 945. American National Insurance Company, petitioner, *v.* James W. Bass, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 947. Maricopa County, Arizona, et al., petitioners, *v.* The Phoenix Savings Bank and Trust Company;

No. 948. Maricopa County, Arizona, et al., petitioners, *v.* The Phoenix National Bank;

No. 949. Maricopa County, Arizona, et al., petitioners, *v.* The Valley Bank & Trust Company;

No. 950. Maricopa County, Arizona, et al., petitioners, *v.* The First National Bank of Arizona at Phoenix;

No. 951. Maricopa County, Arizona, et al., petitioners, *v.* The Tempe National Bank; and

No. 952. Pima County, Arizona, et al., petitioners, *v.* Southern Arizona Bank & Trust Company. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 960. City Bank Farmers Trust Company, as Executor, etc., petitioner, *v.* Frank Collis Bowers, as Executor, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 967. Grace Ferrand, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

The Chief Justice also announced the following order:

ORDER

The Court will take a recess from Monday, May 21, until Monday, May 28 next, and from that day until Monday, June 4, upon which day it will adjourn for the term.

No motions, except motions for admission to practice, will be received after Monday, May 28 next.

No. 815. John F. O'Ryan, as Commissioner of Police, etc., et al., petitioners, *v.* Mills Novelty Company. Returns to rules to show cause presented.

Adjourned until Monday, May 21 next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Edward C. Kelly, of Medford, Ore.; George H. Zeutzius, of Green Bay, Wis.; Basel H. Brune, of Chicago, Ill.; Alexander Austin Burch, of Dublin, Ga.; George Hurley, of Providence, R.I.; Paul R. Conway, of New York City; George L. DeMott, of Washington, D.C.; William J. Bannan, of Waltham, Mass.; John J. Flynn, of Waltham, Mass.; John L. McGonigle, of Los Angeles, Calif.; Maurice R. Barnes, of Washington, D.C.; Parker Dodge, of Washington, D.C.; Frederick V. Arber, of Peoria, Ill.; Frederick Z. Marx, of Chicago, Ill.; Frederick Bernays Wiener, of Providence, R.I.; Paul J. Wall, of Wichita, Kans.; Wm. P. Hamblen, of Houston, Tex.; and Hawthorne Arey, of Omaha, Nebr., were admitted to practice.

No. 937. The Columbus Gas and Fuel Company, appellant, *v.* The Public Utilities Commission of Ohio and the City of Columbus, Ohio. Appeal from the Supreme Court of the State of Ohio. Decree reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Cardozo. Mr. Justice McReynolds and Mr. Justice Butler concur in the result. Mr. Justice Van Devanter and Mr. Justice Sutherland took no part in the consideration and decision of this case.

No. 619. Radio Corporation of America, American Telephone and Telegraph Company and De Forest Radio Company, petitioners, *v.* Radio Engineering Laboratories, Inc. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree of the Circuit Court of Appeals reversed with costs, and the decree of the District Court affirmed, and cause remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo. The Chief Justice took no part in the consideration and decision of this case.

No. 944. J. M. Lee, as Comptroller of the State of Florida, appellant, *v.* John P. Bickell, George B. Buchanan, Alfred W. Mansfield, et al., etc. Appeal from the District Court of the United States for the Northern District of Florida. Decree modified as indicated in the opinion and, as so modified, affirmed with costs, and cause remanded for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 832. Oklahoma Gas and Electric Company, Oklahoma Natural Gas Company, W. T. Phillips, Jr., et al., etc., appellants, *v.* Oklahoma Packing Company, formerly Wilson & Co., Inc., of Oklahoma, Wilson & Co., Inc., of Oklahoma, et al. Appeal from the District Court of the United States for the Western District of Oklahoma. Decree vacated, costs to be taxed against appellants, and cause remanded to said District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stone.

No. 298. S. M. Nickey, W. E. Nickey, Mrs. Orpha L. Nickey, et al., appellants, *v.* The State of Mississippi. Appeal from the Supreme Court of the State of Mississippi. Decree affirmed with costs. Opinion by Mr. Justice Stone.

No. 689. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* The Independent Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit. Decree reversed, and cause remanded to said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Butler. Dissenting: Mr. Justice McReynolds.

No. 722. Rockford Life Insurance Company, petitioner, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed, and cause remanded to the said Circuit Court of Appeals. Opinion by Mr. Justice Butler.

No. —, original. State of Ohio, complainant, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Motion for leave to file bill of complaint denied and rules discharged. Opinion by Mr. Justice Sutherland. Mr. Justice Stone concurs in the result.

No. —, original. State of Arizona, complainant, *v.* State of California et al. Motion for leave to file bill to perpetuate testimony denied and rules discharged. Opinion by Mr. Justice Brandeis.

No. 709. Eastman Kodak Company, Eastman Kodak Company of New York, and Eastman Kodak Stores, Inc., petitioners, *v.* Charles B. Gray. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment of the Circuit Court

of Appeals reversed with costs, and judgment of the District Court affirmed, and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice McReynolds.

No. 742. Bertha Meyer Smith, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit. Judgment affirmed, and cause remanded to the District Court of the United States for the District of Oregon. Opinion by Mr. Justice McReynolds.

No. —, original. Principality of Monaco, plaintiff, *v.* State of Mississippi. Motion for leave to file declaration denied and rule discharged. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 815. John F. O’Ryan, as Commissioner of Police, etc., et al., petitioners, *v.* Mills Novelty Company. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. *Per curiam*: In view of the effect of Chapter 317, Laws of New York of 1934, upon the decree of injunction herein, the decree of the Circuit Court of Appeals is reversed and the cause is remanded to the District Court with direction to dismiss the bill of complaint without prejudice and without costs to either party. Board of Public Utility Commissioners *v.* Compania General, 249 U.S. 425; United States *v.* Hamburg-American Co., 239 U.S. 466, 477, 478; United States *v.* Alaska S.S. Co., 253 U.S. 113, 116, 117; Railroad Commission *v.* MacMillan, 287 U.S. 576; Coyne *v.* Prouty, 289 U.S. 704.

No. 991. E. B. Dill, appellant, *v.* The People of the State of Colorado. Appeal from the Supreme Court of the State of Colorado. *Per curiam*: The appeal herein is dismissed for the want of substantial federal question. Rosenberg *v.* Wisconsin, 290 U.S. 600, 601; Meuller *v.* Illinois, 289 U.S. 711; Leach *v.* California, 287 U.S. 579, 590; Lavine *v.* California, 286 U.S. 528; Sproles *v.* Binford, 286 U.S. 374, 393; Bandini *v.* Superior Court, 284 U.S. 8, 18; Hygrade Provision Co. *v.* Sherman, 266 U.S. 497, 501–503. Insofar as the papers whereon the appeal was allowed seek review in respect of asserted denial of rights under the Federal Constitution by rulings of the Supreme Court of Colorado not involving the validity of any statute of the state, such papers are treated as a petition for writ of certiorari (Sec. 237 (c), Judicial Code, as amended by the Act of February 13, 1925, 43 Stat. 936, 938), and certiorari is denied.

No. 1004. Ex parte: Lester Richard Steckler and Hilary Joseph Gaudin, appellants. Appeal from the Supreme Court of the State of Louisiana. *Per curiam*: The appeal herein is dismissed for the reason that the decision of the State court sought here to be reviewed was based upon a non-federal ground adequate to support it. *New Orleans Water Works Co. v. Louisiana Sugar Co.*, 125 U.S. 18, 38, 39; *Cross Lake Club v. Louisiana*, 224 U.S. 632, 639, 640; *Long Sault Development Co. v. Call*, 242 U.S. 272, 277, 278; *Hardin-Wyandot Lighting Co. v. Upper Sandusky*, 251 U.S. 173, 178, 179; *Girard Trust Co. v. Ocean & Lake Realty Co.*, 286 U.S. 523; *Real Estate-Land Title & Trust Co. v. Springfield*, 287 U.S. 577.

No. 1025. William D. Comer, appellant, *v.* The State of Washington. Appeal from the Supreme Court of the State of Washington. *Per curiam*: The appeal herein is dismissed for the want of a substantial federal question. *Fisher v. New Orleans*, 218 U.S. 438, 440; *Seattle & Renton Ry. v. Linhoff*, 231 U.S. 568, 570; *Enterprise Irrigation District v. Canal Co.*, 243 U.S. 157, 165, 166; *Hebert v. Louisiana*, 272 U.S. 312, 316, 317; *American Ry. Express Co. v. Kentucky*, 273 U.S. 269, 272, 273.

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally."

No. 843. Gypsy Oil Company, appellant, *v.* Oklahoma Tax Commission, et al. *Order*. It is ordered that the *per curiam* opinion of this Court, delivered May 7, 1934, in this cause, be and it is hereby amended to read as follows:

"*Per curiam*: The decree dismissing the bill of complaint is modified so as to provide that the complaint is dismissed upon the ground that the District Court was without jurisdiction because the requisite jurisdictional amount was not involved. *Healy v. Ratta*; decided April 30, 1934. As so modified, the decree is affirmed."

No. 1044. Walter J. Patten, petitioner, *v.* The United States. On petition for writ of certiorari to the United State Circuit Court of Appeals for the Sixth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 985. The United States of America, appellant, *v.* Jacob Troy;

No. 986. The United States of America, appellant, *v.* Jacob Troy;
and

No. 1020. City Bank Farmers Trust Company, executor, etc., appellant, *v.* William A. Schnader, Attorney General etc., et al. In these cases probable jurisdiction is noted.

No. 1011. Arthur Mattson, appellant, *v.* Department of Labor and Industries of the State of Washington. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 962. The Metropolitan Casualty Insurance Company of New York, petitioner, *v.* Kenneth V. Brownell, as Receiver, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit granted.

No. 973. Harold L. Ickes, as Secretary of the Interior, petitioner, *v.* Virginia-Colorado Development Corporation. Petition for writ of certiorari to the Court of Appeals of the District of Columbia granted.

No. 859. W. D. Striplin, petitioner, *v.* Lawrenceburg Warehouse Company and United States Fidelity and Guaranty Company. Petition for writ of certiorari to the Supreme Court of the State of Tennessee denied.

No. 917. Bausch & Lomb Optical Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 932. Hyman Dunn, petitioner, *v.* Interstate Bond Co. et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 953. Unity School of Christianity (WOQ), petitioner, *v.* Federal Radio Commission et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 957. Renault Duncan, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 966. M. G. McNair, as Receiver of The First National Bank of St. Augustine, Florida, petitioner, *v.* Hubert William Carcaba, Eduardo Felix Carcaba et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 970. New York Central Railroad Company, petitioner, *v.* Burton B. Jerrell. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 972. Manufacturers Trust Company, as Trustee, etc., petitioner, *v.* Herman S. Bachrach. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 976. M. G. McNair, as Receiver of the First National Bank of St. Augustine, Florida, petitioner, *v. J. M. Davis*. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 1006. Navigazione Libera Triestina Societa Anonyme and S/S Carso, her engines, etc., petitioners, *v. N. S. Monahos, et al., etc.*; and

No. 1007. Navigazione Libera Triestina Societa Anonyme, petitioner, *v. F. Romeo & Co., Inc.* Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 18. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v. Northern Coal Company*;

No. 19. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v. C. H. Sprague & Son Company*;

No. 20. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v. United States Refractories Corporation*; and

No. 21. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v. Oswego and Syracuse Railroad Company*. Motion for leave to file petition for rehearing submitted by Mr. Solicitor General Biggs for the petitioner.

Adjourned until Monday, May 28, next, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Myron G. Ehrlich, of Washington, D.C.; E. Russel Kelly, of Washington, D.C.; Philip M. Kleinfeld, of New York City; Samuel Kramer, of New York City; Chas. L. Minor, of New York City; William Boyd Duff, of Wilkensburg, Penna.; Samuel Becker, of Milwaukee, Wis.; Benjamin Kaplan, of Boston, Mass.; Warner Marshall, of Pittsburgh, Penna.; Harris Miller, of Boston, Mass.; Earle F. Gill, of Madison, Wis.; Elcanon Isaacs, of Cincinnati, Ohio; John M. Scoble, of New York City; Evelyn I. Berman, of Boston, Mass.; Edward Louis Stephens, of Richmond, Va.; K. Courtenay Johnston, of New York City; Jessie Levy, of Indianapolis, Ind.; Geo. W. Wilson, of Charlotte, N.C.; Richard G. Wooton, of Hattiesburg, Miss.; Helen Hunt West, of Jacksonville, Fla.; J. Allen Davis, of Los Angeles, Calif.; Oscar B. Wiren, of New York City; Paul F. Due, of Baltimore, Md.; J. Francis Ireton, of Baltimore, Md.; Louis N. Jaffe, of Brooklyn, N.Y.; Homer A. Holt, of Charleston, W.Va.; Geo. S. Shackelford, Jr., of Roanoke, Va.; Isaac M. Stewart, of Salt Lake City, Utah; Andrew M. Howsley, of Albany, Tex.; Elwood Fouts, of Houston, Tex.; Charles F. Boots, of Ellwood City, Penna.; and Elijah Anthony, of Jamestown, R.I., were admitted to practice.

No. 561. *International Milling Company, petitioner, v. Columbia Transportation Company.* On writ of certiorari to the Supreme Court of the State of Minnesota. Judgment reversed with costs, and cause remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Cardozo.

No. 786. *Burns Mortgage Company, Inc., petitioner, v. Erwin M. Fried.* On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit. Judgment reversed with costs, and cause remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Roberts.

No. 868. State of Ohio, Public Utilities Commission of Ohio, The Wheeling and Lake Erie Railway Company, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al.; and

No. 886. The United States of America, Interstate Commerce Commission, et al., appellants, *v.* State of Ohio, Public Utilities Commission of Ohio, The Wheeling and Lake Erie Railway Company, et al. Appeals from the District Court of the United States for the Southern District of Ohio. No. 868, decree affirmed and cause remanded to said District Court; No. 886, appeal dismissed. Opinion by Mr. Justice Roberts.

No. 787. Illinois Commerce Commission, Public Service Commission (of Indiana), Board of Trade of the City of Chicago, and Acme Steel Company, appellants, *v.* The United States, The Alton Railroad Company, et al. Appeal from the District Court of the United States for the Northern District of Illinois. Decree affirmed, and cause remanded to said District Court. Opinion by Mr. Justice Stone.

No. 795. Urey Woodson, as Alien Property Custodian of the United States, and W. A. Julian, as Treasurer of the United States, petitioners, *v.* Deutsche Gold und Silber Scheideanstalt Vormals Roessler, etc. On writ of certiorari to the Court of Appeals of the District of Columbia. Decree reversed and cause remanded to the Supreme Court of the District of Columbia with directions to that court to dismiss the bill. Opinion by Mr. Justice Butler.

No. 873. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* New York Trust Company, as Trustee under trust indenture, dated December 24, 1921, etc.; and

No. 899. The New York Trust Company, as Trustee under trust indenture, dated December 24, 1921, etc., *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed, and cause remanded to said Circuit Court of Appeals. Opinion by Mr. Justice Butler. Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Brandeis, and Mr. Justice Stone concur.

No. 734. Lewis Reynolds, petitioner, *v.* The United States. On writ of certiorari to the Court of Claims. Judgment reversed, and cause remanded to said court with directions to enter judgment for petitioner. Opinion by Mr. Justice Sutherland. Dissenting: Mr. Justice Stone and Mr. Justice Cardozo.

No. 547. New Colonial Ice Company, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. On writ of cer-

tiorari to the United States Circuit Court of Appeals for the Second Circuit. Decree affirmed, and cause remanded to said Circuit Court of Appeals. Opinion by Mr. Justice Van Devanter.

No. 856. W. B. Worthen Company, Agent; George G. Worthen and Mollie P. Worthen, appellants, *v.* Mrs. W. D. Thomas. Appeal from the Supreme Court of the State of Arkansas. Judgment reversed with costs, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Hughes. Concurring opinion by Mr. Justice Sutherland in which Mr. Justice Van Devanter, Mr. Justice McReynolds, and Mr. Justice Butler join.

The Chief Justice announced the following order of the Court:

No. 978. United States Fidelity & Guaranty Company, appellant, *v.* City of Toledo, Fidelity & Deposit Company of Maryland, et al.;

No. 979. Standard Surety & Casualty Company, appellant, *v.* City of Toledo, Fidelity & Deposit Company of Maryland, et al.;

No. 980. National Surety Company, appellant, *v.* City of Toledo, Fidelity & Deposit Company of Maryland, et al.;

No. 981. Guardian Casualty Company, appellant, *v.* City of Toledo, Fidelity & Deposit Company of Maryland, et al.; and

No. 982. George S. Van Schaick, Superintendent of Insurance of the State of New York, et al., appellants, *v.* City of Toledo, Fidelity & Deposit Company of Maryland, et al. Appeals from the Supreme Court of the State of Ohio. *Per curiam*: The appeals herein are dismissed for the want of a substantial federal question. *Fisher v. New Orleans*, 218 U.S. 438, 440; *Seattle & Renton Ry. v. Linhoff*, 231 U.S. 568, 570; *Enterprise Irrigation District v. Canal Co.*, 243 U.S. 157, 165, 166; *Tidal Oil Co. v. Flannagan*, 263 U.S. 444, 451; *Hebert v. Louisiana*, 272 U.S. 312, 316, 317; *American Ry. Express Co. v. Kentucky*, 273 U.S. 269, 272, 273; *Comer v. State of Washington*, 291 U. S. — (*per curiam*, decided May 21, 1934).

The Chief Justice said:

“The other orders of the Court appear upon the list certified to by the Chief Justice and filed with the Clerk and will not be announced orally.”

No. 18. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Northern Coal Company;

No. 19. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* C. H. Sprague & Son Company;

No. 20. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* United States Refractories Corporation; and

No. 21. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Oswego and Syracuse Railroad Company. The petition for rehearing in these cases is entertained, and the cases are set for hearing on the questions raised in the petition for rehearing and the answers thereto, including the question of the construction and effect of the provisions of Section 1005 of the Revenue Act of 1926, on October 8, 1934, after the case heretofore assigned for that day, and will then be heard with the same effect as though the hearing on said petition had taken place at this term of Court.

No. —, original. Joseph Poresky, complainant, *v.* Elisha H. Brewster, Judge, etc. Motion for leave to file bill of complaint denied.

No. 5, original. State of Wisconsin, et al., complainants, *v.* The State of Illinois, et al.;

No. 7, original, State of Michigan, et al., complainants, *v.* The State of Illinois, et al.; and

No. 8, original. State of New York, et al., complainants, *v.* State of Illinois, et al. Supplemental report of defendants is received and ordered filed.

No. 1056. Henry Davis, petitioner, *v.* A. C. Aderhold, Warden, United States Penitentiary, Atlanta, Georgia. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied for reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 1078. Henry Long, petitioner, *v.* The State of Michigan. On petition for writ of certiorari to the Supreme Court of the State of Michigan. The motion for leave to proceed further herein *in forma pauperis* is denied for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 994. Robert C. Gillis, as Receiver of Western Oil and Refining Company, petitioner, *v.* State of California. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted. The case is assigned for argument on Monday, October 8 next, after the cases heretofore assigned for that day.

No. 1046. Humble Oil & Refining Company, petitioner, *v.* George H. Campbell, Receiver of World Oil Company, Inc., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The petition for writ of certiorari

herein is denied for failure to comply with Rule 38, paragraph 2, of the rules of this Court. The brief for the petitioner is 211 pages and that of the respondent is 239 pages, in length. Both briefs are stricken from the files of this Court.

No. —. People of the State of Illinois, *ex rel.* Jack J. Cobine, petitioner, *v.* Peter J. Angsten, Chairman, et al. The application for allowance of appeal, having been considered by the whole Court, is denied.

No. 1083. People of the State of Illinois, *ex rel.* Jack J. Cobine, petitioner, *v.* Peter J. Angsten, Chairman, et al. Petition for writ of certiorari to the Supreme Court of the State of Illinois denied.

No. 808. Mrs. Etta Moore Barry and Leeartie Butler Barry, petitioners, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied.

No. 955. Floyd Hurst, petitioner, *v.* D. P. Davis Properties, J. M. Kesson, Receiver, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 974. Standard Pipe Line Company, Inc., petitioner, *v.* W. M. Burnett. Petition for writ of certiorari to the Supreme Court of the State of Arkansas denied.

No. 983. The Washington Loan and Trust Company, Trustee of the Estate of Benjamin Pickman Mann, deceased, petitioner, *v.* W. B. Allman, as Receiver of the Departmental Bank. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 992. Washington Gas Light Company, petitioner, *v.* Gladys H. Dann, Administratrix of the Estate of Wallace Dann, deceased. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 993. The Texas Company, petitioner, *v.* Edward Roos. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 995. Minnie E. Simpson, et al., petitioners, *v.* David L. Stern, Abner Drury Company, et al. Petition for writ of certiorari to the Court of Appeals of the District of Columbia denied.

No. 996. Mary F. Alexander, petitioner, *v.* Missouri State Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1005. Johnson, Drake & Piper, Inc., petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ

of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1009. John Telman, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 1010. Violet Goldsmith, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1021. United States Radiator Corporation, petitioner, *v.* Pruett H. Henderson and Louise Ezzell Henderson. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit denied.

No. 1031. Chicago, Milwaukee, St. Paul & Pacific Railroad Company, petitioner, *v.* Annie O'Connor, as Special Administratrix etc. Petition for writ of certiorari to the Supreme Court of the State of Minnesota denied.

No. 1043. United British Steamship Company, Ltd., as Claimant of the British Steamer "Framlington Court", petitioner, *v.* Newfoundland Export & Shipping Company, Ltd., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 106. W. D. Sanders, petitioner, *v.* Armour Fertilizer Works and National Fire Insurance Company;

No. 597. Robert J. McKnett, petitioner, *v.* St. Louis & San Francisco Railway Company;

No. 660. Annie Sauder, Administratrix etc., et al., petitioners, *v.* Mid-Continent Petroleum Corporation;

No. 727. Spring City Foundry Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 728. Spring City Foundry Company, petitioner, *v.* Commissioner of Internal Revenue; and

No. 975. Georgia Roberts, by her next friend, Margaret H. Roberts, et al., appellants, *v.* Washington Trust Company. Petitions for rehearing denied.

No. 1026. Russell Tyson, et al., etc., petitioners, *v.* Commissioner of Internal Revenue;

No. 1027. Russell Tyson, et al., etc., petitioners, *v.* Commissioner of Internal Revenue; and

No. 1028. Russell Tyson, et al., etc., petitioners, *v.* Commissioner of Internal Revenue.

Motion for an extension of time within which to file respondent's brief submitted by Mr. Solicitor General Biggs for the respondents, and the motion denied.

No. 815. John F. O'Ryan, as Commissioner of Police, etc., et al., petitioners, *v.* Mills Novelty Company. Mandate granted on motion of Mr. Paxton Blair for the petitioners.

No. 657. October Term 1932. Federal Radio Commission, petitioner, *v.* Nelson Brothers Bond & Mortgage Co. (Station WIBO);

No. 658. October Term 1932. Federal Radio Commission, petitioner, *v.* North Shore Church (Station WPCC);

No. 659. October Term 1932. Federal Radio Commission and Johnson-Kennedy Radio Corporation (Station WJKS), *v.* Nelson Brothers Bond & Mortgage Company (Station WIBO); and

No. 660. October Term 1932. Federal Radio Commission and Johnson-Kennedy Radio Corporation (Station WJKS), petitioners, *v.* North Shore Church (Station WPCC). Motions for leave to file petition for rehearing out of time; for leave to file cross petition for writs of certiorari; for leave to appoint and refer causes to special master; for rule on Federal Radio Commission to show cause why it took appeals; to vacate mandates prematurely issued; for temporary injunction restraining Johnson-Kennedy Corporation (Station WJKS) from using 560 KC; and for rule on Clerk of this Court to show cause why he refuses to enter appearance of August Swarz in these cases submitted by Mr. August Swarz and motions denied.

Adjourned until Monday, June 4th next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo.

Alfred J. Lowe, of Floral Park, N.Y.; John S. Adams, of Dublin Ga.; M. J. Dougherty, of Mesa, Ariz.; Joseph R. Jackson, of New York City; Newton E. Anderson, of Los Angeles, Calif.; Earl R. Wiseman, of Little Rock, Ark.; Louis Tarlowski, of Little Rock, Ark.; John W. Gaskins, of Washington, D.C.; Jas. C. Martin, of Roanoke, Va.; Wm. J. Grace, of Chicago, Ill.; Earl Clinton Crouter, of Buffalo, Wyo.; Leo J. Mundt, of Helena, Ark.; Walter J. Gresham, of Kansas City, Mo.; William E. Ginsburg, of Boston, Mass.; Charles C. Crenshaw, of Lubbock, Tex.; Brien McMahon, of Norwalk, Conn.; Claude W. Barrick, of Tillamook, Oreg.; Samuel Goldenberg, of Milwaukee, Wis.; Martin F. Smith, of Hoquiam, Wash.; George A. Judson, of Los Angeles, Calif.; E. C. Street, of Waco, Tex.; John J. McHale, of Minneapolis, Minn.; Charles H. Reaves, of Washington, D.C.; Ruth Gottdiener, of New York City; and Adaline F. York, of Boston, Mass., were admitted to practice.

No. 820. The Fairport, Painesville & Eastern Railroad Company, petitioner, *v.* Mayme F. Meredith. On writ of certiorari to the Court of Appeals, Seventh Judicial District, State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Sutherland.

No. 802. John C. Lewis, as Receiver of the Hancock National Bank of Sparta, Georgia, petitioner *v.* Fidelity & Deposit Company of Maryland. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Judgment affirmed with costs, and cause remanded to the District Court of the United States for the Middle District of Georgia. Opinion by Mr. Justice Brandeis.

No. 855. Mrs. Margaret Shea Lynch, petitioner, *v.* The United States of America. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit; and

No. 861. Sam Wilner, in his own right and as administrator of the estate of Meyer Wilner, deceased, petitioner, *v.* The United States of America. On writ of certiorari to the United States

Circuit Court of Appeals for the Seventh Circuit. Judgments reversed, and causes remanded to the District Court of the United States for the Middle District of Georgia, and to the District Court of the United States for the Northern District of Illinois, respectively, for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brandeis.

No. 12. Concordia Fire Insurance Company, appellant, *v.* The People of the State of Illinois. Appeal from the Supreme Court of the State of Illinois. Judgment affirmed as to taxes for 1923-1926 and reversed as to tax for 1927, and cause remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Van Devanter. Dissenting in part: Mr. Justice Cardozo, Mr. Justice Brandeis, and Mr. Justice Stone. (Opinion by Mr. Justice Cardozo.) The Chief Justice took no part in the consideration or decision of this case.

No. 920. The State of Texas, Railroad Commission of the State of Texas, et al., appellants, *v.* The United States of America, Interstate Commerce Commission, et al. Appeal from the District Court of the United States for the Western District of Missouri. Decree affirmed. Opinion by Mr. Chief Justice Hughes.

The Chief Justice announced the following orders of the Court:

No. 1064. McClain Catterlin, appellant, *v.* The State of Ohio. Appeal from the Supreme Court of the State of Ohio. *Per curiam:* The appeal herein is dismissed for the want of a substantial federal question. *Morrison v. State of California*, 291 U.S. 82, 88-91; *Casey v. United States*, 276 U.S. 413, 418; *Mugler v. Kansas*, 123 U.S. 623, 674.

No. 1075. George Hall, *alias* George Manning, appellant, *v.* The People of the State of California. Appeal from the Supreme Court of the State of California. *Per curiam:* The appeal herein is dismissed (1) for the want of a properly presented federal question, *Hiawassee Power Co. v. Carolina-Tenn. Co.*, 252 U.S. 341, 343, 344; *Appleby v. Buffalo*, 221 U.S. 524, 529; *White River Co. v. Arkansas*, 279 U.S. 692, 700; and (2) for the reason that the decision of the State court sought here to be reviewed was based upon a non-federal ground adequate to support it. *Atlantic Coast Line R.R. Co. v. Mims*, 242 U.S. 532, 535; *Mutual Life Ins. Co. v. McGrew*, 188 U.S. 291, 308; *Hartford Life Ins. Co. v. Johnson*, 249 U.S. 490, 493.

No. 964. Guy T. Helvering, Commissioner of Internal Revenue, petitioner, *v.* Jasper H. Wiese. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. *Per curiam:* Petition for writ of certiorari granted. Judg-

ment reversed on authority of *Helvering, Commissioner, v. Newport Company* (decided March 5, 1934).

The Chief Justice said:

"The other orders of the Court appear upon the list certified to by the Chief Justice and filed with Clerk and will not be announced orally."

ORDER

It is ordered that Rule 38 of the Rules of this Court be, and it is hereby, amended as follows, effective September 1, 1934, viz:

(1) That the heading of the said Rule be amended to read as follows:

"Review on writ of certiorari of decisions of State Courts, Circuit Courts of Appeals, and the Court of Appeals of the District of Columbia.

(See Secs. 237 (b) and 240 (a) of the Judicial Code as amended by the Act of February 13, 1925; also Act of March 8, 1934, and Rules of Practice and Procedure, after plea of guilty, verdict or finding of guilty, in Criminal Cases brought in the District Courts of the United States and in the Supreme Court of the District of Columbia, promulgated May 7, 1934.)"

(2) That paragraph 2 of the said Rule be amended to read as follows:

"2. The petition shall contain only a summary and short statement of the matter involved and the reasons relied on for the allowance of the writ. A supporting brief may be included in the petition, but, whether so included or presented separately, it must be direct, concise, and in conformity with Rules 26 and 27. A failure to comply with these requirements will be a sufficient reason for denying the petition. See *United States v. Rimer*, 220 U.S. 547; *Furness, Withy & Co. v. Yang Tsze Insurance Assn.*, 242 U.S. 430; *Houston Oil Co. v. Goodrich*, 245 U.S. 440; *Layne & Bowler Corporation v. Western Well Works*, 261 U.S. 387, 392; *Magnum Import Co. v. Coty*, 262 U.S. 159, 163; *Southern Power Co. v. North Carolina Public Service Co.*, 263 U.S. 508. Forty printed copies of the petition and supporting brief shall be filed. The petition will be deemed in time when it, the record, and the supporting brief, are filed with the Clerk within the period prescribed by section 8 of the Act of February 13, 1925, except that in cases of petition to this Court for writ of certiorari to review a judgment of a Circuit Court of Appeals or of the Court of Appeals of the District of Columbia in criminal cases within the provisions of the Act of March 8, 1934, the petition shall be made within the period prescribed pursuant to said Act in

Rule XI of the Rules of Practice and Procedure, promulgated May 7, 1934."

No. —. Lovell Landers and Addie Exum, petitioners *v.* The People of the State of New York. The petition for stay pending petition for writ of certiorari, which was referred to the whole Court by Mr. Justice Stone, is denied.

No. 1074. Valdimir K. Jindra, petitioner *v.* The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 1097. Philip H. Marcum, petitioner, *v.* Maria S. Marcum, Dwight E. Rorer and Cyril S. Lawrence. On petition for writ of certiorari to the Court of Appeals of the District of Columbia. The motion for leave to proceed further herein *in forma pauperis* is denied, for the reason that the Court, upon examination of the papers herein submitted, finds no ground upon which a writ of certiorari should be granted. The petition for writ of certiorari is therefore also denied.

No. 1076. Albert W. Hamilton, by Albert Hamilton, his guardian *ad litem* et al., appellants, *v.* The Regents of the University of California et al. Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

No. 1092. Fred L. Fox, In his Individual Right, etc., appellant, *v.* Standard Oil Company of New Jersey; and

No. 1093. Fred L. Fox, In his Individual Right, etc., appellant, *v.* Gulf Refining Company. In these cases probable jurisdiction is noted.

No. 1037. National Paper Products Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 1038. Zellerbach Paper Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 1039. Zellerbach Paper Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue;

No. 1040. Zellerbach Paper Company, as Transferee of A. S. Hopkins Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue; and

No. 1041. National Paper Products Company, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writs

of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit granted.

No. 1033. Brotherhood of Locomotive Firemen and Enginemen et al., petitioners, *v.* Ella E. Pinkston. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit granted.

No. 965. H. B. Nelson, Doing Business under the firm name and style of H. B. Nelson Construction Company, petitioner, *v.* Josef Jadrijevics. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied.

No. 987. Neubert B. Morse and Old Colony Trust Company, Executors etc., et al., petitioners, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 997. Guardian Trust Company, A. J. Twerrell, et al., petitioners, *v.* Harry A. Keith, Mamie Keith, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 998. Frazier McIntosh, petitioner, *v.* Russell B. Seymour, Trustee in Bankruptcy, etc., et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 999. Norman E. Bensinger, as Trustee, etc., and Rose Friedman, petitioners, *v.* Charles D. Hilles, Eugene W. Leake et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1000. A. B. Banks, petitioner, *v.* The Corning Bank & Trust Company. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 1001. Cloudy Realty Corporation, petitioner, *v.* Irving Trust Company, as Trustee in Bankruptcy of United Cigar Stores Company of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1002. Bessie L. Ruwitch, petitioner, *v.* Louis P. Frankel, Gustav Frankel, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1012. Millard F. Dunlap, petitioner, *v.* The United States of America. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1015. Dinshah P. Ghadiali, petitioner, *v.* The State of Delaware. Petition for writ of certiorari to the Supreme Court of the State of Delaware denied.

No. 1016. Julius Glaser and Aaron Waldheim, Executors of the Estate of David Sommers, deceased, petitioners *v.* Commissioner of

Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1018. Charles M. Howell, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1019. The Gildersleeve Shipbuilding Company, Owner of the Scow "Gildersleeve No. 339", petitioner, *v.* Scow "Katherine R. Hickey", Anthony O'Boyle, et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1023. United States of America, *ex rel.* Jerihem Seeman, *alias* Jack Seeman, etc., petitioner, *v.* Raymond J. Mulligan, United States Marshal for the Southern District of New York. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1024. Harriet A. Frothingham, petitioner, *v.* Elizabeth C. Anthony. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1029. Sallie Strickland Tricou, petitioner, *v.* Guy T. Helvering, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1030. Petroleum Navigation Company, petitioner, *v.* Utility Oil Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1071. C. O. Carpenter, Receiver of Holston-Union National Bank of Knoxville, Tennessee, petitioner, *v.* David S. Ludlum and Horace Edward Palmer, Receivers, etc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit denied.

No. 1036. Louis B. Von Weise and Ella M. Jacoby, as Executors, etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit denied.

No. 1013. Consolidated Rendering Company, petitioner, *v.* The United States. Petition for writ of certiorari to the Court of Claims denied.

No. 1014. Ernest A. Bigelow, petitioner, *v.* Frank Collis Bowers, as Executor under the Last Will and Testament of Frank K. Bowers, deceased. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1017. Matthew Thimgan, petitioner, *v.* The State of Nebraska. Petition for writ of certiorari to the Supreme Court of the State of Nebraska denied.

No. 1045. The Aleograph Company, petitioner, *v.* Western Electric Company, Inc. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1047. Samuel Gottlieb, Executor and Trustee under the Will of William F. McQuillen, petitioner, *v.* Thomas W. White, Collector of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit denied.

No. 1048. E. Arthur Robinson, Trustee in Bankruptcy, etc., petitioner, *v.* Waltham National Bank; and

No. 1049. E. Arthur Robinson, Trustee in Bankruptcy, etc., petitioner, *v.* Waltham Trust Company. Petition for writs of certiorari to the Supreme Judicial Court of the State of Massachusetts denied.

No. 1062. Edmund R. Week, and L. P. Moen, Administrator, etc., petitioners, *v.* Guy T. Helvering, as Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit denied.

No. 1095. The Interstate Folding Box Company, petitioner, *v.* The Empire Box Corporation. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1026. Russell Tyson, Arthur T. Aldis, et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 1027. Russell Tyson, Arthur T. Aldis, et al., etc., petitioners, *v.* Commissioner of Internal Revenue; and

No. 1028. Russell Tyson, Arthur T. Aldis, et al., etc., petitioners, *v.* Commissioner of Internal Revenue. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit denied.

No. 1050. Margaret A. Jamison et al., Individually and as Surviving Executrices, etc., petitioners, *v.* William H. Edwards, Formerly Collector of Internal Revenue, etc.;

No. 1051. Margaret A. Jamison et al., Individually and as Surviving Executrices, etc., petitioners, *v.* Frank Collis Bowers, as Executor, etc.;

No. 1052. Margaret A. Jamison et al., Individually and as Surviving Executrices, etc., petitioners, *v.* John Z. Lowe, Jr., Formerly Collector of Internal Revenue, etc.;

No. 1053. Margaret A. Jamison et al., Individually and as Administratrices, etc., petitioners, *v.* William H. Edwards, Formerly Collector of Internal Revenue, etc.;

No. 1054. Margaret A. Jamison et al., Individually and as Administratrices, etc., petitioners, *v.* Frank Collis Bowers, as Executor, etc.; and

No. 1055. Margaret A. Jamison et al., Individually and as Administratrices, etc., petitioners, *v.* John Z. Lowe, Jr., Formerly Collector of Internal Revenue, etc. Petition for writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 578. Alice Aschenbrenner, petitioner, *v.* United States Fidelity & Guaranty Company. Leave granted to file petition for rehearing. Petition for rehearing denied.

No. 565. Ruth Loughran, petitioner, *v.* John Loughran, Joseph Loughran et al., etc.;

No. 941. Continental Casualty Company, petitioner, *v.* The United States of America, for the use of W. Howard Ainsworth, Trustee, etc.; and

No. 942. Roy M. Wahlgren, petitioner, *v.* Bausch & Lomb Optical Company et al. Petitions for rehearing denied.

The Chief Justice also announced the following order:

No. 787. Illinois Commerce Commission et al., appellants, *v.* The United States of America et al. Motion for stay of mandate submitted by Mr. Luther M. Walter for the appellants, in support of the motion, and by Mr. Frederic D. McKenney for Railroad companies, appellees, in opposition thereto, and the motion denied.

ORDER

All cases submitted and all business before the Court at this term having been disposed of,

It is ordered by this Court that all cases on the docket be, and they are hereby, continued to the next term.

Adjourned to the time and place appointed by law.